

**Submission
No 16**

INQUIRY INTO HUMAN TRAFFICKING

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Inquiry into Human Trafficking

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Introduction

The Salvation Army welcomes the opportunity to provide a submission to the NSW Legislative Council Select Committee on human trafficking. In this submission, we endeavour to provide insights into the effectiveness of the New South Wales (NSW) state response to human trafficking and will address all terms of reference. However, it should be noted that states do not have a clear mandate in this space. As such, the recommendations provided here speak to what role and obligations the states should have and a proposed framework through which to better coordinate state and federal anti-trafficking activities.

The National Action Plan to Combat Trafficking and Slavery (hereafter 'NAP') recognises the importance of the states and territories and includes as a key area of focus: "strengthening our connectedness with the States and Territories" (p2). The NAP includes a modest list of activities that are particularly relevant to the states, including providing training, ensuring coordination with state agencies, and improving referral mechanisms between state and Commonwealth officials. However, because all accountabilities sit with federal agencies, states are not bound to respond in specific ways or to specific outcomes.

For example, NAP Action 50.3 reads: "Continue to ensure that the Australian Federal Police (AFP) and Support for Trafficked People Program (STPP) service provider [Australian Red Cross] work with State and Territory child protection agencies in human trafficking and slavery matters involving trafficked people who are minors." The agencies responsible for this outcome are the AFP, the Department of Social Services (DSS) and Red Cross. The NAP does not discuss what obligations state child protection authorities have, nor does it discuss their role in responding to other agencies that might be dealing with trafficked or enslaved minors. In the case of early and forced marriage, the lack of role clarity and an operational framework for responding agencies has put some young people at greater risk.

In his analysis of why many trafficking prevention initiatives fail, Phil Marshall explains: "few prevention interventions have been objectively proven as effective [due to] limited evidence; insufficiently clear objectives; limited evaluation of outcomes and impacts; and the fact that many prevention activities have been isolated rather than a part of a strategic package of interventions."¹

This submission seeks to provide a roadmap for reshaping and revitalising Australia's anti-trafficking framework through more robust, formal engagement with states, territories and local governments, as well as civil society across the country. While the Committee's terms of reference focus on the law enforcement response, it is important to recognise that human trafficking is a crime that occurs in *communities and neighbourhoods*, where in many cases, it is the Good Samaritan or the neighbour next door who identifies and assists a victim to leave an exploitative situation. As such, it cannot be addressed through law enforcement or government alone.

Building multi-disciplinary community-based responses to trafficking and slavery is an evidence-based strategy proven to identify more victims and improve assistance afforded to victims. It also functions to hold more perpetrators accountable through a broader range of available resources, penalties and deterrence measures.² Thank you again for the opportunity to make this submission.

¹ Marshall, P. with Asian Development Bank and United National Inter-agency Project on Human Trafficking. (2011). Re-thinking trafficking prevention: A guide to applying behaviour theory, p 6.

² Farrell, McDevitt, Fahy (2008). Understanding and Improving Law Enforcement Responses to Human Trafficking. <https://www.ncjrs.gov/pdffiles1/nij/grants/222752.pdf>

Recommendations

The NSW Government should:

1. Work with the Commonwealth to develop clearer roles and responsibilities within the NAP for states and local governments.
2. Work with the Commonwealth to fund and manage locally-based anti-trafficking initiatives, through which to drive victim-response, training and assessment, and outreach and education activities.
3. Commission research to inform a current picture of organised trafficking in persons in New South Wales and the extent to which NSW state LEAs have been involved in cases and their effectiveness in both identifying the crime and responding appropriately within the federal framework. This research should examine cases involving indicators of trafficking and related crimes, such as the Woolgoolga case and other situations responded to by Taskforce Cadena and immigration compliance operations. The research should examine past operations and taskforce initiatives investigating other areas of criminality that commonly occur with human trafficking, including fraud and drug trafficking.
4. At minimum, make representations to the Commonwealth to create a national licensing scheme for labour hire businesses in sectors where there is evidence of significant levels of human trafficking, forced labour and/or egregious exploitation, including agriculture, food processing, construction, hospitality and laundries⁵², or
5. Create a state licensing scheme for labour hire businesses in sectors where there is evidence of significant levels of human trafficking, forced labour and/or egregious exploitation, including agriculture, food processing, construction, hospitality and laundries. The body receiving the services of a labour hire business should be held jointly responsible for the treatment of employees by any labour hire business contracted by the body;
6. Work with the Commonwealth to improve awareness of indicators and referral pathways for first responders in government staff, service providers, and law enforcement officials at the state and local level.
7. Under the proposed NSW Advisory Council³, establish protocols for comprehensive collaboration between all levels of government, to create clear pathways of responsibility and procedures in identifying and responding to victims of trafficking, slavery and exploitation.
8. Make representations to the Commonwealth to commit resources for a comprehensive monitoring program.
9. Work with the Commonwealth to collect, analyse and report clearer, more consistent, disaggregated and state-based data in the annual IDC report.
10. The Committee should seek answers to the following questions:
 - a. Do state prosecutors have the capacity to prosecute federal slavery offences?
 - b. Are current victim engagement strategies undermining prosecutions?
 - c. Are expert witnesses being used to assist prosecutors to address credibility issues, where appropriate?
 - d. Are prosecutors appropriately resourced to manage the complexity of trafficking cases?
11. Make representations to the federal government to remove the requirement to cooperate with law enforcement for victims of people at risk of early and forced marriage and for all child victims under the age of 18.

³ Community Relations Commission & Kerkyasharian, Stepan & Community Relations Commission for a Multicultural NSW (2013). Inquiry into the exploitation of people through trafficking, in all its forms in NSW [electronic resource]. New South Wales Government, Sydney. Available at: http://multicultural.nsw.gov.au/about_us/publications/other/.

12. Introduce Forced Marriage Protection Orders, similar to the U.K. model⁴, which include airport watch list orders and court ordered intervention for those over the age of 18. Salvation Army endorses the recommendations made by Legal Aid NSW to the Family Law Council and urges the Committee to carefully consider these.⁵
13. Commit state resources for supported accommodation for young people at risk of or experiencing early and forced marriage, regardless of their capacity or willingness to engage with the criminal justice process.
14. As stated in the CRC inquiry Recommendation 1: ...Establish a high- level Human Trafficking Ministerial Advisory Council to coordinate a whole-of government response to human trafficking and slavery in all its forms in NSW and to liaise with the Commonwealth.
15. As stated in the CRC Inquiry Recommendation 2: ...Call on the Federal Government to establish a high-level structure of state and territory governments (The Salvation Army recommends this be done via the National Roundtable), as part of its formal national response to human trafficking and slavery. The priority of this representation should be to better coordinate intergovernmental responses to human trafficking and slavery [including]:
 - a. Investigating the gaps in services provided through the Australian Government Support for Trafficked People Program,
 - b. Developing programs to ensure that the human rights of trafficked and enslaved people are protected and supported,
 - c. Referring all matters to the proposed NSW Human Trafficking Advisory Council to develop a NSW response that ensures the needs of trafficked and enslaved people are met.
16. Support the establishment of a national, independent helpline that is operated by an NGO to ensure victims are able to seek safe, confidential advice and support.
17. Urge the Commonwealth to create incentives and reduce barriers to cooperating with criminal justice authorities, by:
 - a. Facilitating temporary visas for victims' immediate family members who are in danger. Such family members should have access to the STPP and, where eligible, the opportunity to apply for permanency,
 - b. Building accountability and reducing periods in temporary status by setting clear, transparent time-limited triggers that progress a victim towards safety and permanency.
 - c. Establishing a self-petitioning process within the migration system, like that of Belgium, Italy, and the U.S., where participation rates in criminal justice process are high,
 - d. Establishing an independent review process for negative decisions regarding access to the STPP and Referred Stay visa,
 - e. Providing guaranteed access to trusted, independent legal advice through resourcing legal aid programs across the country,
 - f. Empowering workers to leave exploitative work through a guaranteed right of stay so they are able to remain lawfully in the country whilst pursuing claims and, where applicable, obtain new employment,
 - g. Amending the FW Act to clarify that it applies to all workers, regardless of immigration status,
 - h. Providing information on rights and responsibilities to a broader range of visa types.

⁴ <https://www.gov.uk/apply-forced-marriage-protection-order/overview>

⁵ http://www.legalaid.nsw.gov.au/_data/assets/pdf_file/0015/22038/Submission-to-the-Family-Law-Council-Intersection-of-Family-Law-and-Child-Protection-Jurisdictions.pdf



18. With the Commonwealth, jointly fund community education initiatives to raise awareness of the indicators of trafficking and slavery and referrals pathways for suspected victims.
19. Urge the Commonwealth to establish an Independent Commissioner on Slavery and Trafficking, similar to that of the United Kingdom. An independent commissioner on trafficking and slavery should conduct a review of the National Action Plan and recommend and oversee necessary updates to ensure it is achievable with existing resources; to assess additional necessary resources; to clarify measurable outcomes; and to ensure the Plan's actions will achieve those outcomes. The commissioner would also review recommendations from previous relevant Inquiries and seek to progress those recommendations in cooperation with the Commonwealth and state governments.
20. Adopt the CRC inquiry recommendation to consider, where appropriate, the appointment of a guardian (state authority) to oversee the care and protection of children and young people who are affected by human trafficking or slavery.
21. Consider adopting other CRC inquiry recommendations, not yet discussed in this submission, including the need for enhanced knowledge and awareness through training, coordination and research.

Terms of Reference 1(a) (i) the role and effectiveness of NSW law enforcement agencies in responding to trafficking including: how NSW law enforcement agencies respond to human trafficking, including slavery, slavery like practices such as servitude, forced labour, and trafficking

Role and response of NSW law enforcement

Because slavery and trafficking are criminalised under federal legislation, state law enforcement agencies (hereafter 'state LEAs') have an auxiliary role in responding to this crime type. While they are recognised in the National Action Plan to Combat Human Trafficking and Slavery⁶ as a vital partner, they have no accountabilities or benchmarks against which to measure performance. In cases where state crimes are known or suspected to have been committed, state LEAs have been involved in multi-agency responses, such as that of Operation Tricord-Polo—a nine-agency operation targeting an organised crime syndicate that was alleged to be engaging in a range of illegal activities from money laundering to drug trafficking to exploiting foreign workers in Western Australia.⁷ Even in such coordinated efforts, the responsibility of responding to potential slavery matters is the remit of federal agents.

The annual Report of the Interdepartmental Committee discusses the role of Australian policing agencies. According to the Seventh Report, these accounted for 21% of all trafficking-related referrals to the AFP. The Eighth, and most recent report of the Inter-Departmental Committee (IDC) on Trafficking and Slavery discusses a revised Australian Policing Strategy to Combat Trafficking in Persons, which has been under review for several years. According to the AFP:

“The purpose of this agreement is to provide the national framework for Australian police agencies to combat human trafficking, slavery and slavery-like practices in the future. A draft of the National Policing Protocol was distributed to stakeholders for review and comment. The AFP is currently reviewing proposals to the Protocol and amendments are yet to be endorsed across all states and territories. The AFP recognises the need for a comprehensive, coordinated national law enforcement response to human trafficking, and will continue to work towards broadening the collective law enforcement understanding of human trafficking matters through education and awareness training.”⁸

As this strategy is not publicly available, it is not possible to say whether it provides greater clarity on the role and specific obligations of state LEAs. Without this information and without formal data on the participation of NSW state LEAs in anti-trafficking matters, details of their role and effectiveness in anti-trafficking remains anecdotal. The following case studies provide some insights, from which two key issues appears:

⁶ <https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Documents/Trafficking-NationalActionPlanToCombatHumanTraffickingAndSlavery2015-19.pdf>

⁷ <http://www.watoday.com.au/wa-news/police-issue-illegal-worker-warning-to-wa-businesses-20140506-zr5qe.html>;
[http://www.parliament.wa.gov.au/Hansard%5Chansard.nsf/0/fd5891681d895d7f48257dd600110f48/\\$FILE/A39%20S1%2020140506%20p2660b-2660b.pdf](http://www.parliament.wa.gov.au/Hansard%5Chansard.nsf/0/fd5891681d895d7f48257dd600110f48/$FILE/A39%20S1%2020140506%20p2660b-2660b.pdf)

⁸ Commonwealth of Australia. (2016) Trafficking in Persons: The Australian Government Response 2015-2016. Eighth Report of the Interdepartmental Committee on Human Trafficking and Slavery. Canberra. All IDC reports are available at: <https://www.ag.gov.au/CrimeAndCorruption/HumanTrafficking/Pages/Australias-response-to-human-trafficking.aspx>

⁸ <http://www.afp.gov.au/Corporate-Plan-2015-2019/assets/images/AFP-Corporate-Plan.pdf>, p22.

- the need for training of NSW police on both indicators of all of the slavery offences and of the anti-trafficking framework itself, including service providers available to assist victims, and
- a framework for coordinating victim response and facilitating ongoing learning and evaluation of the police response to potential and recognised victims.

Early and Forced Marriage

Case study #1

Very recently, New South Wales Police in Western Sydney contacted The Salvation Army as a 19-year-old woman had presented to them stating that she could not return home as she was being forced to be married. The responding police officers were unaware of the federal framework, and moreover had limited knowledge of how to respond. Officers contacted a chaplain of The Salvation Army with whom they had a relationship, who informed them of The Salvation Army's anti-slavery programs and assisted to make a referral to the Safe House. Had the officers not had the relationship with that chaplain, the victim may not have been linked with appropriate care.

Case Study #2

One young woman in a pair of sisters, accommodated by a partner youth service, disclosed the confidential address of her sibling to the family who was actively looking for her following her disclosure of forced marriage. When reporting this to New South Wales police they did not have any specific criminal legislation that could apply to this unique situation. It was decided that should the family make an attempt to access the property and the individual at risk, New South Wales police would utilise a 'trespassing offence'. A more appropriate response would be for responding officers to assist the victim to obtain a protection order.

"Susan" was brought to Australia by a wealthy Australian couple in 2010. Susan worked as a housekeeper for her employers in her home country, but did not live with them. When they offered her work in Australia, she eagerly accepted the opportunity to make a better life for her children. She trusted her employers to make all arrangements, thought she was entering Australia on a legitimate work visa and had no reason to raise concerns to immigration upon her arrival.

Unfortunately, things changed. Susan spent the next few months cooking, cleaning, and caring for the family children and pets without pay and proper food and living conditions. She did not know where she was living and was locked inside the house so she could not leave independently. Susan also suffered regular verbal abuse. When Susan asked for her passport, her employer told her that she had no rights in Australia and to do as she was told. Susan sought help from a neighbour, who called the police.

When the police arrived, Susan's employer told them she was "illegal" and was leaving the next day to return to her country. The police only took information from Susan's employer.

"I was there to tell them what was happening to me... they didn't give me a chance; they were just listening to my employer. It felt like my country, because the people who have power are the people from high class (who) don't allow the people from the lower class to talk."

During the five hours Susan spent at the police station, the police did not ask her what had happened, why her passport had been held or how she came to be in Australia. The Salvation Army staff noted that Susan was in pain and had not been offered any assistance/ medical care in relation to being assaulted. To date, Susan still has health issues related to this injury.



Both domestic and international research have identified some universal challenges in the local police response to victims of trafficking, including misidentification of victims and barriers victims personally face in seeking help. For instance, a 2014 Australian Institute on Criminology (AIC) report⁹ found that key factors preventing trafficked women from seeking help included lack of trust in police and other authorities and lack of an effective response when the victim initially sought help.

A U.K. study of the law enforcement response to trafficking¹⁰ heard multiple accounts of victims being misidentified by police reception staff and, consequently, refused assistance. Civil society described to researchers a tendency by police officers to view the person as an “illegal migrant first” and that their allegations of exploitation were just an “attempt to stay in the UK.”

The U.K. report provides further examples that are likely to be occurring in Australia:

In a recent case, a service provider supporting four Hungarian men who had been trafficked for labour attempted to obtain out-of-hours police assistance with them at four different London police stations. In all of the stations they were met with indifference and reluctance to take statements. Officers stated that their problem was a civil matter and not a police concern. It was only after an intervention by the Metropolitan Police Service Trafficking and Prostitution Unit (SCO9) that the complaints were handled appropriately.

In another case presented by a legal representative, a south Asian trafficked person attempted to report labour trafficking to the police, wishing to give details of the trafficker whom he claimed was exploiting others. He attended a police station in Manchester and another in Leeds. In both instances, he was refused assistance and advised that it was an immigration matter and thus should be dealt with by the Home Office.

In yet another case, police attended a premises with a woman behind a locked door. While they had suspicions of possible trafficking, they left without seeing her or determining if the door was locked from inside. After being instructed to return, they discovered it was not trafficking; however, the incident serves to highlight the police’s lack of confidence in identifying potential trafficking indicators, coupled with, as one officer stated, pressure to get to the next job.

Stories like these are not unique to the United Kingdom. The Salvation Army is aware of cases where this has happened in Australia, including two cases in Canberra. One involved a private domestic worker employed by a diplomatic official, who was initially turned away at a local ACT Police station, but was later found by federal police to be trafficked. In another matter, a group of Pilipino massage workers were dismissed by ACT Police investigators as making up their story to get a visa—despite the case being referred to the police months before any urgent visa issues arose.

The UK report states that “without systematic training to mainstream and embed knowledge in all forces and across all ranks, there is a risk that an untrained officer may respond inadequately to a trafficked

⁹ Richards, K. and Lyneham, S. (2014). Help-seeking strategies of victim/survivors of human trafficking involving partner migration. Trends & issues in crime and criminal justice. Australian Institute on Criminology: Canberra.

¹⁰ Anison, R. (2013) In the dock: Examining the U.K.’s criminal justice response to trafficking. Anti-slavery International for the Anti-Trafficking Monitoring Group, p43-44.

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person and may not channel the case to the correct department. It is also vital that professionals, especially the police, who work with trafficked persons, understand the complexities of the crime and ensure that their actions are not detrimental to the individual's recovery or for the outcome of the criminal proceedings.¹¹ To understand these complexities requires more than an isolated training event. Discussed later in this submission is a taskforce model that unites key stakeholders, including local police, to learn, apply knowledge and assess performance. The model creates a formal and sustained arena in which first responders can establish trusting relationships, clarify roles, and troubleshoot issues outside the pressures of a breaking case.

Other issues raised by the UK report which The Salvation Army has observed in Australia include: questioning complainants in the vicinity of their alleged exploiters; making inappropriate personal judgments about the complainants' conditions¹²; and myths about exploitation. Some common misconceptions still held by many in both state and federal law enforcement include:

- physical restriction of movement is required to constitute trafficking/slavery (real victims are confined to the place of abuse)
- genuine victims are forcibly brought to the [destination country]
- genuine victims will always ask for assistance and will always tell the truth;
- trafficking is the same as smuggling
- those who knew what work they were going to do, agreed to come and were "only" deceived about the conditions cannot be trafficked against their will
- threats must be physical and explicit
- if deception occurred overseas, then it's not trafficking

Each situation of trafficking is different and involves a range of complex factors that must be assessed by someone with practical knowledge of the slavery offences and a keen understanding of the dynamics that shape how victims respond to authority—particularly law enforcement. This is not due only to the impacts of victimisation, but also to the common reality that many victims come from areas where law enforcement is highly corrupt, even in collusion with perpetrators.

Thus, while training should certainly be a top priority for state LEAs, there must also be a mechanism for ongoing learning and engagement to build, spread and maintain expertise.

¹¹ Annison, R., see supra note 10.

¹² The UK report described a situation in which law enforcement officers responded to reports of mistreatment. Upon attending the workers' accommodation, the officers concluded that "although living conditions were far from adequate and heavily overcrowded, it was a marked improvement than what the workers were used to. This shows that both a lack of knowledge as well as cultural assumptions inform decision-making and potentially lead to adverse consequences for trafficked persons."

Benefits of strengthening the role of state police

Expanded Resources to Identify and Respond

One of the Special Rapporteur's key recommendations was to “work to bridge the capacity gap between the Australian Federal Police and state/territory police, including by establishing specialist units in all states and territories.”¹³ Yet, to date, only two specialist AFP teams are funded, in Sydney and Melbourne, and less than 50 state/territory investigators have completed the AFP's investigators course.¹⁴

Cases that occur in regional or remote areas may require the AFP to send a member of a specialist team to investigate or provide technical assistance to local authorities; in other cases, state police or other Commonwealth authorities might respond. ***Questions for the Committee to consider include whether regional authorities have sufficient expertise to independently investigate and respond to trafficking cases and whether the AFP is adequately resourced to provide technical assistance to regional authorities with limited or no training in trafficking.***

According to the AFP's Corporate Plan 2015-19¹⁵, the organisation forecasts at least a 10% reduction in their budget in the next two to three years. The Salvation Army has recommended to government that these cuts not include anti-trafficking activities. To the contrary, we argue that more resourcing is required for the AFP to carry out the activities necessary to increase identification of people who are being exploited in isolated working conditions and private homes. Formalising a role for state police in anti-trafficking would further increase resourcing to address this serious and under-identified crime.

Even within the current context of limited role and resources, state policing agencies can add value through leadership. The Victorian Police “**Look a Little Deeper**” education package for state police is an excellent example of a state LEA taking initiative to empower their officers to take appropriate and useful action. While there is limited information available to the public, personal communication with Victorian Police revealed that they are uncovering and referring more trafficking-related matters as a result.

Diversified and Improved Models for Detection

According to the 7th IDC report, over 50% of referrals to the AFP come from the Department of Immigration and Border Protection (DIBP). This is problematic because, as the Special Rapporteur pointed out:

While it is commendable that DIAC (now DIBP) has established a specialised anti-trafficking capacity, she remains concerned about the use of immigration raids to identify victims of trafficking. In particular, raids are carried out with the specific purpose of locating and detaining foreign nationals who have breached their visa conditions or are otherwise unlawfully in Australia...Given the understandable fear of deportation or detention, she questions whether these raids are truly effective in identifying victims of trafficking.¹⁶

In the absence of specially-designed anti-trafficking taskforces, a common model in other countries, Australia is reliant on operations like those of Taskforce Cadena, which was established in 2015 to respond to fraud and exploitation in temporary work programs. While likely to uncover potential trafficking

¹³ Ezeilo, J (2012) Report of the Special Rapporteur on trafficking in persons, especially women and children, United Nations General Assembly. Recommendation 83(b).

¹⁴ Commonwealth of Australia, see supra note 8.

¹⁵ <http://www.afp.gov.au/Corporate-Plan-2015-2019/assets/images/AFP-Corporate-Plan.pdf>

¹⁶ Ezeilo, see supra note 13, p.12.

scenarios, Cadena's activities are not necessarily conducted in a way that is conducive to identifying and effectively engaging fearful people—people who may have been coached or threatened with harm if they cooperate with authorities. To our knowledge, there are no human trafficking specialists formally appointed to Cadena operations, despite having made this recommendation to government on several occasions. While taskforce members may have completed some training in the past on human trafficking, the Special Rapporteur's point is relevant: operations focused on identifying unlawfulness are not designed to build trust with victims.

In our submission to the recent Productivity Commission review of the workplace relations framework¹⁷, we provided information on how fear and mistrust of police amongst migrant communities negatively impacts crime reporting rates and voluntary engagement with police. Drawing on an example from the United States, we discussed how an increased culture of compliance resulted in decreased crime reporting and cooperation with police amongst migrant communities. Evidence indicates that where a relationship of trust breaks down, migrant communities can become socially isolated, withdrawn from police, and in fact experience higher rates of crime, where criminals know poor relationships with police result in low crime reporting.¹⁸

A greater role for state police would significantly increase the human resources going into trafficking identification. It would also bring to bear the extensive relationships with communities and civil society that state LEAs have worked for decades to establish.

Expanded and improved collaboration with civil society as anti-trafficking partners

The Special Rapporteur expressed concerns about Australia's reliance on compliance monitoring, and in particular, screening potential victims in detention, stating: "suspected victims are interviewed solely by DIAC (now DIBP) officials and no social worker or psychologist is present...Only after building relationships of trust will victims be willing to disclose their true situation."¹⁹

Recognising the fear and mistrust many victims have toward law enforcement, international best practice encourages early collaboration between law enforcement and NGOs as a means to identify victims and provide the necessary support.²⁰ For instance, according to the United States Anti-Human Trafficking Taskforce e-Guide: "It can be very helpful to have trusted victim service providers conduct a parallel interview as they can assist in reducing the victim's fear of law enforcement..."

The Recommended Principles and Guidelines on Human Rights and Human Trafficking include the following under Guideline 2:

States...should consider...ensuring cooperation between relevant authorities, officials and non-governmental organizations to facilitate the identification and provision of assistance to trafficked persons. The organization and implementation of such cooperation should be formalised in order to maximize its effectiveness.²¹

Because state LEAs are more experienced in responding to victim-based crime, such as sexual assault and

¹⁷ Available at: <http://www.pc.gov.au/inquiries/completed/workplace-relations/submissions>

¹⁸ Theodore, N. (2013). *Insecure Communities: Latino perceptions of police involvement in immigration enforcement*.

¹⁹ Ezeilo, see supra note 13, p.12.

²⁰ International Organisation for Migration (2006). Resource Book for Law Enforcement Officers on Good Practices in Combating Child Trafficking; United Nations Office on Drugs and Crime (2008). Toolkit to Combat Trafficking in Persons.

²¹ Office of the High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, UN Doc E/2002/68/Add.1, 1 [4] and Guideline 2.3 ('OHCHR Principles and Guidelines').

family violence, they are more accustomed to working alongside NGOs and service providers. As such, they are well-positioned to assist in implementing the above guidance across the country, which could greatly enhance victim outreach, identification and assistance. Consequently, this would have positive impacts on prosecution and prevention of this crime.

Lessons from previous inquiries and reports

Improving the capacity of state LEAs is an issue that has been identified by experts and past inquiries. In her 2012 mission to Australia report²², the **United Nations Special Rapporteur on trafficking in persons, especially women and girls** (hereafter '*Special Rapporteur*') made several recommendations pertinent to law enforcement agencies, including resourcing for the specialist anti-trafficking response; the need to build capacity of state-based first responders; reducing the extent of Australia's reliance on immigration compliance monitoring for victim detection; and limited collaboration with mental health professionals to help identify and stabilise victims.

The **United States Trafficking in Persons Report**²³ (hereafter '*TIP Report*') has also made recommendations relevant to law enforcement efforts in recent years, including:

- Increase efforts to train police and other front-line officers to recognize indicators of trafficking and respond to suspected cases of both sex and labor trafficking;
- Enhance and utilize formal mechanisms for government agencies that deal with labor violations to refer cases with elements of trafficking to law enforcement officials to consider criminal prosecutions; and
- Continue to strengthen efforts to proactively identify trafficking victims among vulnerable groups...through methods other than immigration compliance actions.

In 2013, the **Commonwealth Attorney General's Department** conducted a **mapping exercise** to inform future education and awareness-raising work. Priority areas relevant to LEAs included:

- The new criminal offences, including forced marriage
- The identification of labour exploitation amongst migrant workers
- Training for frontline service providers on indicators of trafficking and slavery
- Relationship building with key communities and their community leaders, including involving them in initiatives, and
- Broader community awareness raising of all forms of trafficking and slavery to reduce stereotypes

And finally, the **2013 NSW Community Relations Commission (CRC) inquiry** into the exploitation of people through trafficking²⁴ also made recommendations relevant to improving the LEA response to trafficking, including:

Recommendation 1: That the NSW Government establish a high-level Human Trafficking Ministerial

²² Ezeilo, see supra note 13.

²³ U.S. Department of State, Trafficking in Persons Reports, 2014, 2015 and 2016. State Department: Washington DC. Available at: <https://www.state.gov/j/tip/rls/tiprpt/index.htm>

²⁴ Community Relations Commission, see supra note 3.

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Advisory Council to coordinate a whole-of government response to human trafficking and slavery in all its forms in NSW and to liaise with the Commonwealth...[and] should establish protocols for comprehensive collaboration between all levels of government, to create clear pathways of responsibility and procedures in identifying and responding to victims of trafficking, slavery and exploitation

Recommendation 2: That the NSW Government call on the Federal Government to establish a high-level structure of state and territory governments, as part of its formal national response to human trafficking and slavery... to better coordinate intergovernmental responses to human trafficking and slavery.

Recommendation 12: That the NSW Government, in consultation with the Commonwealth, develop and fund an education campaign to be delivered by the appropriate agencies and community organisations.

Recommendation 13: That relevant agencies, including NSW Police, the judiciary, frontline workers in government agencies, health and community service workers and community organisations undertake training to: identify victims trafficked and enslaved in any employment or intimate partner relationship and to protect the human rights and safety of exploited individuals.

While the Committee's inquiry provides another welcome opportunity to provide further evidence supporting the case for positive change, we urge members to consider the evidence already available. The above reports provide evidence-based and consistent guidance on where we need to improve and the most effective strategies to do so.

Recommendations

1. **Work with the Commonwealth to develop clearer roles and responsibilities within the NAP for states and local governments.**
2. **Work with the Commonwealth to fund and manage locally-based anti-trafficking initiatives, through which to drive victim-response, training and assessment, and outreach and education activities.**

Terms of Reference 1(a) (ii) the role and effectiveness of NSW law enforcement agencies in responding to human trafficking including: the influence of organised crime in human trafficking in NSW

In 2012, the Australian Institute on Criminology (AIC) conducted a thematic review of the existing international and Australian literature on the extent of criminal group involvement in trafficking in persons.²⁵ It concluded that:

1. The involvement of organised crime in trafficking in persons is under-researched, creating a “significant gap in the knowledge base”. The author stated: “...research on this issue has the capacity to better inform victim identification and investigation and prosecution strategies. For example, the law enforcement methodology required to effectively investigate and prosecute an enduring, structured organised criminal group is likely to be quite different to the methodology that could be applied to investigate and prosecute a relatively unsophisticated, solo offender”²⁶;
2. There is a considerable variation in the types of groups, ranging from “solo...offenders to the involvement of far more sophisticated networks that are extremely capable. This appears to be relatively consistent with the Australian situation, where the authorities have reported a variation in offending, ranging from small-scale offenders targeting one or a small number of victims at a time to more sophisticated, resilient and enduring networks.”
3. The Australian and international literature indicate involvement of “intermediaries in the migration process (such as the provision of recruitment and migration services), and those involved in trafficking in persons. This suggests a potential overlap between at least some forms of migrant smuggling and trafficking in persons. When assessing the literature on specific geographic contexts or locations, there is an indication of overlaps between trafficking criminality and other forms of criminality, such as organised fraud and drug trafficking.” These connections have not been noted in the Australian context.

The nature of “organised crime” in trafficking

These findings resonate with The Salvation Army’s direct experience working with victims of trafficking. Through our work, we have supported victims who were trafficked by small “mom and pop” operations. In many cases, victims knew or knew of their traffickers in their home countries, many of whom are perceived as reputable members of the community. As discussed under the first term of reference, there is limited information on the role and effectiveness of NSW state LEAs in responding to trafficking situations, including those where organized crime is involved. An exception is a case involving sexual servitude of a migrant sex worker in NSW who was forced to provide services 12-18 hours per day, 5-6 days per week.²⁷

In 2011, New South Wales Police led an investigation and prosecution into the offences of sexual servitude, aggravated sexual assault and kidnapping. In the initial bail hearing, a local court heard that ‘a man allegedly imprisoned a woman for more than a year in a unit and forced her to work for him as a sex worker, controlling her by using a Taser ‘stun gun.’ Whilst there was only one defendant, the victim’s work was

²⁵ David, F. (2012) *Organised crime and trafficking in persons*. Australian Institute of Criminology Trends and Crimes in Criminal Justice, Series No.436. Canberra: AIC.

²⁶ David, see supra note 25, p. 11.

²⁷ <http://www.smh.com.au/nsw/sex-slave-escaped-year-of-taser-torment-court-20100612-y4oq.html>

coordinated across several premises, with brothel owners collecting and delivering her wages directly to her exploiter. The man also engaged in behaviour that inflicted bodily harm as a means to control.

The woman cooperated with NSW Police, the Australian Federal Police and the Department of Immigration and Citizenship (now DIBP) to resolve her situation. Though the case was run at the state level, the woman was recognised as a victim of human trafficking and was offered the federal support program and access to the trafficking visa framework. As a victim of state offences, she was also better positioned to access state victims of crime compensation, which is not always easily available to victims of federal crimes as there is no federal compensation scheme.²⁸

This case provides a good practice example, where strong coordination between state and federal responders yielded a good outcome for both the victim and the public interest. It may also support the argument for parallel state legislation mirroring the federal offences to bring to bear the full resources of the states, including investigative powers, victim assistance and other assets available only at the state level. The issue of parallel, or uniform legislation is discussed further under Term of Reference 1 (c).

The role of labour hire companies

Regarding the third finding of the AIC's research on organised crime and trafficking, The Salvation Army has observed involvement of "intermediaries" in many cases, mainly in the form of labour hire brokers. In NSW and across Australia, the evidence shows some employers have developed sophisticated recruitment and placement processes to cycle groups of workers, desperate for decent work opportunities, in and out of Australia's cash economy. Research by The Salvation Army into the exploitation of unlawful Malaysian workers in fruit picking has raised questions about the possible extent to which companies are using deception to recruit workers from overseas and then leveraging their unlawful status to maintain them in exploitation or forced labour.

For a situation to constitute forced labour²⁹, two elements must be present: invalid consent and a menace of penalty. In cases like the blueberry pickers in Woolgoolga NSW³⁰, some workers are recruited with promises of \$4000/month salaries. Charged \$3000 for an Australian work visa, many arrive only to discover they have been working on a tourist visa and are in violation of Australian laws. For others, the work opportunity fails to materialise; and because of the debt they've taken on, they are forced to seek employment through dodgy labour hire companies who are a part of a system that often turns a blind eye to exploitation, as was reported by The Age's coverage of the Cutri Fruit scandal in rural Victoria.³¹

²⁸ Anti-Slavery Australia and The Law Council of Australia have issued a policy paper arguing the case for a federal scheme—something that is broadly supported by states and NGO members of the National Roundtable, including The Salvation Army. For more information, see: <https://lawcouncil.asn.au/lawcouncil/images/LCA-PDF/National-Compensation-Scheme-for-Victims-of-Commonwealth-Crime.pdf>

²⁹ 'Forced labour' is defined in subsection 270.6(1) of the Criminal Code as the condition of a person (the victim) who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services; or to leave the place or area where he or she (the victim) provides labour or services.

³⁰ <http://www.weeklytimesnow.com.au/news/national/illegal-malaysian-farm-labourer-told-about-kangaroo-call-when-starting-work/news-story/eb02f7037082803af6ced386775540d6>

³¹ <http://www.theage.com.au/interactive/2016/fruit-picking-investigation/>

In these kinds of cases, *consent is not valid* because during recruitment, some workers did not agree to the conditions, including unlawful work and underpayment. After arrival, while no direct or explicit threats are made, *it is the implicit threat of deportation that acts as “menace of penalty”* to keep people silent. Given the extent of the industry’s involvement in migrant worker exploitation, including cases like Woolgoolga, it is highly likely some situations meet the definition of one or more of the slavery offences. Unfortunately, to date, there have been no convictions under the forced labour offence.

Curiously, while it is now generally accepted by both business and government that the labour hire industry is a key culprit of exploitation and possible trafficking, there remains significant resistance to increased regulation of the industry in Australia. However, as we explained in a recent submission to the Senate Education and Employment References Committee Inquiry into Corporate Avoidance of the Fair Work Act:

“Failing to effectively address illegal conduct [by labour hire companies] against workers carries negative impacts on [both] business and communities, where employers using exploited labour are undercutting honest competitors and placing downward pressure on wages. Exploitation most commonly occurs toward the “bottom” end of the supply chain, typically below one or more layers of sub-contracting. Indeed, the role of labour hire companies in committing and facilitating exploitation and forced labour of migrant workers was a primary reason why the International Labour Organisation (ILO) established a global program on fair recruitment, the Fair Recruitment Initiative (FAIR).³²

In the absence of a national regulatory scheme, The Salvation Army strongly supports state action. We refer the Committee to the Justice and International Mission Unit, Synod of Victoria and Tasmania, Uniting Church submission to the Victorian inquiry into labour hire³³ which states:

The Unit is concerned at the level of undetected exploitation and human trafficking of temporary visa holders in Australia and is concerned that the relevant law enforcement agencies lack adequate resources to deal with the scale of the problem. Thus, the Unit favours further measures to deter the exploitation of temporary visa holders and disrupt the ability of abusive labour hire businesses and employers to make profit from their abuses. The Uniting Church recommends creating a licensing scheme for labour hire businesses; holding the ultimate employer jointly responsible for the treatment of employees; and facilitating linkage with NGOs in the community to help workers understand and exercise their rights as a means to prevent exploitation and trafficking.

Finally, the overlap between migrant smuggling and trafficking is relevant to the earlier discussion of the need to diversify detection methods beyond immigration compliance monitoring. The Special Rapporteur raised concerns about the ability of immigration officials to establish trust with victims in immigration detention facilities to facilitate identification.³⁴ Further, as noted by the Office for the High Commissioner for Human Rights, “the obligation to identify victims of trafficking is implied in all legal instruments that

³² The ILO-FAIR is built on four prongs: (1) Enhancing global knowledge on national and international recruitment practices; (2) Improving laws, policies and enforcement mechanisms to promote fair recruitment practices; (3) Promoting fair business practices; and (4) Empowering and protecting workers. Its primary goals are to help prevent human trafficking; protect workers from abusive and fraudulent recruitment practices; and reduce the costs of labour migration and enhance development gains. <http://www.ilo.org/global/topics/fair-recruitment/lang--en/index.htm>

³³ Available at: <http://economicdevelopment.vic.gov.au/about-us/strategies-and-initiatives/inquiry-into-the-labour-hire-industry-and-insecure-work/inquiry-into-the-labour-hire-industry-and-insecure-work-submissions>

³⁴ Ezeilo, see supra note 13, p.12.

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provide for victim protection and support.”³⁵ Sending unidentified trafficked people to [immigration] detention centres, which may have occurred in the Woolgoolga case, would be a clear breach of international obligations. Furthermore, deporting victims places them at greater risk of further denial of rights and re-trafficking.³⁶

The question all three findings raise is simple: do the right people have the right knowledge to recognise the crime? And are the right frameworks in place to both deter and detect trafficking and related activity when it does occur? As discussed under the previous Term of Reference, we reassert that strengthening the role and capacity of state LEAs to identify and respond to trafficking will help to address the above challenges, by reducing reliance on flawed models for detection and by leveraging state LEAs’ experience in victim-based crime to yield better outcomes for both victims and the public interest.

Recommendations

- 3. Commission research to inform a current picture of organised trafficking in persons in New South Wales and the extent to which NSW state LEAs have been involved in cases and their effectiveness in both identifying the crime and responding appropriately within the federal framework. This research should examine cases involving indicators of trafficking and related crimes, such as the Woolgoolga case and other situations responded to by Taskforce Cadena and immigration compliance operations. The research should examine past operations and taskforce initiatives investigating other areas of criminality that commonly occur with human trafficking, including fraud and drug trafficking.**
- 4. At minimum, make representations to the Commonwealth to create a national licensing scheme for labour hire businesses in sectors where there is evidence of significant levels of human trafficking, forced labour and/or egregious exploitation, including agriculture, food processing, construction, hospitality and laundries⁵², or**
- 5. Create a state licensing scheme for labour hire businesses in sectors where there is evidence of significant levels of human trafficking, forced labour and/or egregious exploitation, including agriculture, food processing, construction, hospitality and laundries. The body receiving the services of a labour hire business should be held jointly responsible for the treatment of employees by any labour hire business contracted by the body.**

³⁵ Office for High Commissioner for Human Rights, Human rights and human trafficking. Fact Sheet 36. Geneva.

³⁶ Office of the High Commissioner on Human Rights (OHCHR) Recommended principles and guidelines on human trafficking, Guideline 2; International Organisation for Migration (2010). The causes and consequences of re-trafficking: Evidence from the IOM human trafficking database. Geneva: IOM.

Terms of Reference 1(b) the prevalence of human trafficking in New South Wales

Challenges in determining prevalence

Modern slavery is a complex and hidden crime, which makes statistics highly unreliable. The crime can impact anyone and, in the case of migrants, through visa programs not subject to close regulation or scrutiny. Fear, shame, mistrust of authorities, and ignorance of rights and available support are all reasons why victims are reluctant to come forward. Additionally, the highly federalised model of Australia's anti-trafficking response means that many individuals who are likely to encounter victims at the state and local level are unaware of the indicators and available services for victims.

According to the Global Slavery Index (GSI), there are approximately 4300 people trapped in slavery or slavery-related conditions in Australia. To date, most cases of slavery in Australia have involved migrants, though it is recognised citizens and residents also experience slavery, servitude and forced marriage as well.³⁷ Across the country, a number of cases have been identified involving partner migration, which have resulted in various forms of exploitation, from forced or servile marriage to sexual and/or domestic servitude.³⁸ There have also been anecdotal reports from NGOs and unions indicating a high risk for abuse of asylum seekers awaiting status resolution in communities across Australia, including those with and without work rights.

Sex trafficking of migrant women still accounts for the majority of prosecutions. As policy debates continue on how best to address slavery in the sex industry, heavy reliance on immigration compliance monitoring acts as a barrier to help-seeking and identification of victims.³⁹ It also narrows antislavery efforts to migrants in registered brothels, despite reports of indigenous and migrant women and girls being trafficked for sex in informal settings across regional and remote Australia.

Over time, an increasing number of cases have been reported to the AFP involving suspected victims on a range of visas, including tourist, student, and temporary work visas.⁴⁰ Reports of labour trafficking have risen in recent years with referrals involving foreign domestic workers and people exploited in the hospitality, agriculture, cleaning and construction industries.⁴¹ This coincides with recent reports by the Fair Work Ombudsman (FWO) of significant increases in complaints from overseas workers, particularly working holiday and temporary work visa holders, who now account for the majority of all complaints to the FWO.⁴²

³⁷ Commonwealth of Australia. (2014) Trafficking in Persons: The Australian Government Response 2012-2013. Fifth Report of the Interdepartmental Committee on Human Trafficking and Slavery p.35. Canberra: Commonwealth of Australia; Commonwealth of Australia. (2016) Trafficking in Persons: The Australian Government Response 2015-2016. Eighth Report of the Interdepartmental Committee on Human Trafficking and Slavery pp 13 and 24. Canberra: Commonwealth of Australia.

³⁸ Richards, K. and Lyneham, S. (2014).

³⁹ U.S. Department of State (2014). Trafficking in Persons Report p.82. State Department: Washington DC.

⁴⁰ Commonwealth of Australia (2015). Seventh Report of the Interdepartmental Committee on Human Trafficking and Slavery. p.26.

⁴¹ Commonwealth of Australia. p.33. Australian Red Cross reports that 71% of new clients in 2014-15 experienced exploitation other than in the sex industry.

⁴² Thousands of workers underpaid, denied entitlements by Australian employers, figures show, *ABC News Online*, 22 February 2015. <http://www.abc.net.au/news/2015-02-22/thousands-of-australians-underpaid-denied-entitlements/6189802>

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A 2010 study of labour trafficking discussed particular groups who are vulnerable or known to have been subjected to “unlawful conduct.”⁴³ These include workers at the lower end of the skilled occupations list for the 457 program, domestic workers, bridging visa holders, and in some cases recent permanent migrants. The report noted potential or documented risk in industrial cleaning, meat works, hospitality, construction, manufacturing, and agriculture, which supports data from both AFP and FWO reports.

While the number of *known* victims in Australia is not large in comparison with other crimes, slavery is likely to be under-reported for reasons listed above. Indeed, the UN Special Rapporteur on trafficking in persons, especially women and children (Special Rapporteur) confirmed this in her mission to Australia report, stating:

The Special Rapporteur observes that the official numbers of identified victims may not be indicative of the true extent of the problem...For a variety of valid reasons, victims...may not make their cases known to the authorities, as highlighted by the trafficked persons with whom the Special Rapporteur met.⁴⁴

Anti-trafficking efforts must be structured to account for and overcome these barriers. To do so, they must include adequate resourcing for meaningful engagement and education activities with the public and first responders and a diversified, collaborative approach across all levels of government.

The increase in referrals of labour trafficking cases is, arguably, the result of targeted government attention to the issue after years of focusing on exploitation in the sex industry. ***This outcome supports the idea that we will only truly comprehend the scale of slavery in Australia when we endeavour to build broad awareness and directly reach out to potential victims.*** Another example of this is forced and child marriage, where legislation, awareness raising, and dialogue with service providers across the country have resulted in increased referrals over the last three financial years. From 2013 to 2016, referrals of forced marriage rose annually from 11 to 33 to 69. The AFP report that forced marriage now accounts for 41% of all slavery-related referrals to the AFP.

Additional challenges to identifying victims include inconsistent and sometimes poor screening and a focus on swift removal of unlawful workers, which contributes to a climate of fear amongst migrant populations. The Carabooda market garden⁴⁵ case provides a useful example:

In 2014, approximately 200 foreign workers were found after a multi-agency operation after reports of drug and arms trafficking, tax fraud and worker exploitation. There were strong indicators of trafficking, however, over 100 workers who were found to be unlawful were questioned and deported within 24 hours (according to the AFP). A WA State Member of Parliament, who was briefed by WA Police on the case, told The Salvation Army that the workers were asked if they were being held against their will.

When the workers said no, that concluded the trafficking screening. The Salvation Army made inquiries to the Department of Immigration and Border Protection about the case and we were told that the workers said they just wanted to go home. Given the real possibility that the workers were threatened with physical harm against themselves and possibly their families if they cooperated with authorities, this is not a sufficient time frame or process to establish conditions conducive to the workers disclosing information.

⁴³ David, see supra note 25.

⁴⁴ Ezeilo, see supra note 13, p.12.

⁴⁵ <http://www.abc.net.au/news/2014-05-03/wa-police-in-organised-crime-bust/5428212>

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According to one ABC report, workers, who were found in a walled compound, were detained and questioned at the Yongah Hill immigration detention centre.⁴⁶ Despite the WA Police calling this is “human tragedy” and the WA Police Minister stating that the workers had been tricked into working at low rates in conditions Australians would never tolerate, the police told the ABC that the focus on the investigation was not on the foreign nationals, but on money laundering.⁴⁷

We have also received confidential information that the Support for Trafficked People Program was not offered to the Carabooda workers, which combined with the above, contradicts Action 59 in the National Action Plan to Combat Human Trafficking and Slavery, which precludes the detention and deportation of unlawful individuals who show indicators of being trafficked.

The Salvation Army and other members of the National Roundtable on Trafficking and Slavery have made representations to government and the Minister for Immigration regarding the fate of the Woolgoolga workers, including two minors found in the raid. We have endeavoured to determine if child protection services were contacted or if a guardian has been appointed for the children, but have received no information. Additionally, we have been unable to determine if any of the workers have been referred to the Fair Work Ombudsman or to independent legal service providers to make them aware of their rights and options in Australia.

It is on this basis that The Salvation Army questions whether there are adequate processes in place to ensure that (1) potential victims of trafficking are being effectively identified and supported to cooperate with the criminal justice system; and (2) that vulnerable visa holders who may have been coerced or deceived into unlawful arrangements are being identified and supported to report an exploitative employer and reclaim their lost wages. ***If exploited workers do not feel safe to make themselves known to police and do not trust authorities to assist them when their rights have been violated, we will not be able to effectively identify victims of trafficking and slavery.***

Government statistics

Government statistics do not give a clear estimate of the number of historical or current victims of slavery and trafficking in Australia or in specific states. In fact, compared to other developed countries, Australia provides very little statistical information about its anti-trafficking program.⁴⁸ Whilst some basic statistics are maintained by core response agencies like the Australian Federal Police (AFP) and Red Cross, there is no comprehensive national monitoring program. There are statistics provided in the annual IDC report, however, they do not clearly indicate an official number of victims identified and, due to differences in agency reporting, they are difficult to utilise for conclusive analysis.

For instance, according to the 8th IDC report⁴⁹, the AFP received 691 referrals relating to human trafficking

⁴⁶ Carabooda raids: Numerous charges after WA operation targets organised crime, *ABC News Online*, 5 May 2014. <http://www.abc.net.au/news/2014-05-05/ten-charged-after-carabooda-raids-uncover-foreign-workers/5429852>

⁴⁷ See note 15.

⁴⁸ See U.K. National Referral Mechanism Statistics at: <http://www.nationalcrimeagency.gov.uk/publications/national-referral-mechanism-statistics/676-national-referral-mechanism-statistics-end-of-year-summary-2015/file>; and U.S. Attorney General’s Annual Report to Congress and Assessment of U.S. Government Activities on Trafficking in Persons Fiscal Year 2014 at: <http://www.justice.gov/ag/file/799436/download>.

⁴⁹ Commonwealth of Australia, see *supra* note 8.

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and slavery-related offences since 2004; a total of 311 individuals have received assistance from the Support for Trafficked People Program, delivered by the Red Cross.

In 2015-16, the AFP received 169 referrals, all of which appear to have been accepted for further investigation as there is no other number provided as in previous annual reports. (Last year, police received 119 referrals, of which 93 were accepted for further investigation.⁵⁰) The statistics do not distinguish cases from individuals. The report states that where there was sufficient evidence, referrals were made to the Commonwealth Department of Public Prosecutions (CDPP), but does not indicate how many matters were referred. The report then indicates a total of 38 new clients were referred to the Red Cross program (12 in NSW), but does not account for the remainder of cases or individuals who were not referred to Red Cross.

Curiously, whilst the number of both referrals to and investigations undertaken by the AFP has risen considerably, 119-169 referrals and 93-169 investigations, the number of individuals referred onto the STPP remained the same (38 new clients onto the STPP in 2014-15 and 2015-16.) The report provides no analysis of this trend.

While it is possible to conclude that the remainder of cases were not found to be victims, it is also possible that this group were unwilling or unable to cooperate closely with an investigation and were thus not referred onto the program. It is also possible that persons referred onto the Assessment Stream of the program (the 45 to 90-day reflection period), were later determined to not be bona fide victims. Thus, the number of clients referred onto the Red Cross program is not a reliable indicator of the total number of actual victims.

Additionally, The Salvation Army provided independent support grants in 2016 through our Freedom Fund to nine victims, none of whom were on the Support Program. Our Safe House received 32 new referrals of cases with indicators of trafficking and slavery, of which 22 engaged in ongoing case management. Of the 22, only seven went onto the Support Program. We are unable to determine if any of the remaining 10, who did not engage in ongoing services with The Salvation Army, ever entered the Support Program. Without consolidated government statistics, such as those collected by the U.S. Office for Victims of Crime, which record both victim identifications by NGOs and victim certifications, there are no reliable statistics on prevalence.

Through the Australian Institute on Criminology, the Government is undertaking a modest pilot monitoring program, which will compile data from the core response agencies in the anti-trafficking framework. Moving forward, it will be necessary for the pilot monitoring program to disaggregate the AFP statistics to identify the number of referrals, number of suspected victims, number of recognised victims willing to cooperate, and the number of victims unable or unwilling to access the program. It would be helpful to examine other reporting models to inform decisions about data collection and the development of reporting templates.

⁵⁰ Commonwealth of Australia. (2015) [Trafficking in Persons: The Australian Government Response 2014-2015. Seventh Report of the Interdepartmental Committee on Human Trafficking and Slavery p 24. Canberra: Commonwealth of Australia.](#)

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Recommendations

6. Work with the Commonwealth to improve awareness of indicators and referral pathways for first responders in government staff, service providers, and law enforcement officials at the state and local level.
7. Under the proposed NSW Advisory Council⁵¹, establish protocols for comprehensive collaboration between all levels of government, to create clear pathways of responsibility and procedures in identifying and responding to victims of trafficking, slavery and exploitation.
8. Make representations to the Commonwealth to commit resources for a comprehensive monitoring program.
9. Work with the Commonwealth to collect, analyse and report clearer, more consistent, disaggregated and state-based data in the annual IDC report.

⁵¹ Community Relations Commission, see supra note 3.

Term of Reference 1(c) the effectiveness of relevant legislation and policies.

Commonwealth legislation

Australia's legislation on slavery and trafficking is on par with international standards; however, to date, only 18 individuals have been prosecuted for slavery and slavery-related crimes. For a variety of reasons discussed in this submission, the legislation remains underutilised and to a large degree, untested.

In evidence provided to the Joint Standing Committee (Joint Standing Committee) on Defence, Foreign Affairs and Trade inquiry into human trafficking in 2013⁵², the Commonwealth Department of Public Prosecutions (CDPP) stated that one of the most common barriers to prosecution was getting witnesses to return to Australia to provide testimony; a problem that could be addressed if authorities were more able to secure victims' trust and willingness to remain in Australia and cooperate.

Beyond securing witnesses, low identification rates naturally result in low prosecution rates. Historically, Government officials have used low numbers to assert Australia does not have a significant trafficking problem, as identified by the Special Rapporteur.⁵³ However, noting the shortcomings in identification methods, she concluded this was unlikely.

Another key challenge the CDPP described in evidence put to the Joint Standing Committee involves inconsistencies in victims' statements, leading to the questions about the victims' credibility. It would be worth knowing to what extent prosecutors engage expert witnesses who can explain inconsistencies in victims' statements, which may be due to trauma, fear, confusion, and/or the residual impacts of psychological manipulation over periods of time.

A third challenge the CDPP described to the Joint Standing Committee was evidentiary burden—a challenge not unique to Australia. Further complicating this is the move by offenders to the greyer areas of the law, such as *coercion*⁵⁴, which are more difficult to prove and prosecute. Even in the last ten years, it is now less likely to find victims physically restrained and to not hold their passports, as these both provide compelling evidence to support slavery or related charges. Rather, as illustrated in the Woolgoolga case, offenders often stay one step ahead of the law and exercise subtler means of power and control. It is unclear how law enforcement agencies interpret and assess the elements of *coercion*, including psychological oppression⁵⁵, *abuse of power*⁵⁶ and *taking advantage of a person's vulnerability*⁵⁷--a matter currently under consideration by the Labour Exploitation Working Group under the National Roundtable on Trafficking and Slavery. ***The Committee should examine the extent to which NSW state LEAs are aware of these elements and able to identify and respond appropriately. Additionally, the Committee should assess whether the NSW Office of Public Prosecutions has the expertise and capacity to prosecute Commonwealth human trafficking and slavery offences, as set forth in the National Action Plan to Combat Human Trafficking and Slavery, under Action 39.***

⁵² http://www.apf.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jfadt/slavery_people_trafficking/subs.htm

⁵³ Ezeilo, see supra note 13, p.12.

⁵⁴ Criminal Code s270.1A(a)

⁵⁵ Criminal Code s270.1A(d)

⁵⁶ Criminal Code s270.1A(e)

⁵⁷ Criminal Code s270.1A(f)

State Legislation

States and territories have a range of provisions to address crimes that commonly co-occur with slavery and trafficking crimes. These include: assault, sexual assault, kidnapping, sexual servitude and deprivation of liberty. There are multiple benefits to having state legislation that mirrors federal offences, including facilitating better access to state compensation schemes for victims of crime and creating a clear mandate for state LEAs to respond to trafficking and slavery offences. Additionally, state legislation can increase available supports to victims, many of whom may not be able to access assistance under the federal support program.

In the United States, the federal Trafficking Victims Protection Act was enacted in 2000. Subsequently, most states have passed parallel laws, criminalising trafficking and slavery as state offences as well. The *California Trafficking Victims Protection Act (2005)*⁵⁸ and the *Access to Benefits for Human Trafficking and Other Serious Crime Victims Act (2006)* are regarded as model state laws and include unique features not present in federal legislation.

California was the first state to make it a felony to disclose the location of a shelter or refuge for victims of slavery. It also created the first victim-advocate privilege, similar to that of attorney-client or therapist-client privilege to better protect victims' privacy in criminal proceedings. Other benefits to state laws have included additional financial penalties, extended prison sentences and new accountability for businesses to address slavery in their supply chains.⁵⁹

Finally, state legislation may also enable states to target limited resources onto problems or risks specific to their unique jurisdictions, such as greater representation of high-risk industries or areas with higher concentration of vulnerable workers. Examples of state-based planning and reporting are available from a range of U.S. states as well as British Columbia, which developed its own anti-trafficking action plan.⁶⁰ Additionally, state plans may assist local governments to identify their own risk and develop city-specific plans within a larger context.⁶¹

⁵⁸ The California Trafficking Victims Protection Act (AB 22, 2005, Lieber) – Enacted January 1, 2006—established human trafficking as a felony under Penal Code section 236.1; provides for mandatory restitution to the victim; directed the Attorney General to give human trafficking high priority along with other crimes; allows a trafficking victim to bring a civil action against his/her trafficker; provides for human trafficking victim-caseworker privilege; and established a state-wide task force, the California Alliance to Combat Trafficking and Slavery (CA ACTS) to analyse California's response to human trafficking and produce a final report. See <http://oag.ca.gov/human-trafficking/legislation>. The Access to Benefits for Human Trafficking and Other Serious Crime Victims Act (SB 1569, 2006) – Enacted September 29, 2006. This act allows non-citizen human trafficking victims to access state-funded social services such as cash assistance, employment assistance, and other social services for up to one year. After one year, the bill allows these services to continue if the victim attempts to remain in the US legally. See <http://oag.ca.gov/human-trafficking/legislation>.

⁵⁹ California Supply Chain Transparency Act (SB 657). More information available at: <https://www.dol.gov/ilab/child-forced-labor/California-Transparency-in-Supply-Chains-Act.htm>.

⁶⁰ State of California Department of Justice, Office of the Attorney General (2012) Human Trafficking Report, <http://oag.ca.gov/human-trafficking/2012>; The Texas Human Trafficking Prevention Taskforce Report (2011), https://www.texasattorneygeneral.gov/ag_publications/pdfs/human_trafficking.pdf; British Columbia Action Plan to Combat Human Trafficking 2013-2016, <http://www.pssg.gov.bc.ca/octip/docs/action-plan.pdf>

⁶¹ New York City Task Force: www.nyc.gov/html/endht/html/home/home.shtml; Austin, Texas: www.freeaustin.org/; Seattle, Washington: www.seattleagainstsavery.org/.

Cooperation requirement

The Salvation Army and other NGOs have long advocated for the removal of the requirement for victims to cooperate with the criminal justice process in order to access the services and visa framework available for victims of trafficking.

A proposal was made to Government in 2014 to pilot a new stream for victims of forced marriage (although it is The Salvation Army's recommendation that all child victims or people at risk should be exempt from the cooperation requirement). The proposal suggested a separate stream for forced marriage victims where eligibility would be assessed by a non-law enforcement "certifying body". A few options were suggested for who this certifying body could be, including Red Cross and the Department of Human Services. As a compromise, the Government agreed to provide an automatic assessment period of 90 days, rather than the standard 45 days. While attitudes regarding the suitability of the current framework for people at risk of or experiencing forced marriages appear to be shifting, no substantive changes have been made yet.

The assumption appears to be that the requirement to cooperate is necessary to secure prosecutions and that, unless required, victims would not work with the criminal justice system. Neither of these is true; to date, there have only been 18 individuals prosecuted under the slavery offences and in The Salvation Army's experience, many victims want to participate to see their offenders held accountable. Indeed, it is common for victims to feel confused and frustrated when authorities are not able or willing to proceed with an investigation.

The Convention on the Rights of a Child (CRC) Article 3.1 states, "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration." The CRC requires that care for a child victim of trafficking shall not, under any circumstances, be conditional on the child's willingness to act as a witness.⁶²

Australia also has an obligation under the CRC (Article 32) to "*Promote the physical and psychological recovery and social integration of child victims.*"⁶³ The Salvation Army argues that mandatory participation in the criminal justice process does not support the psychological recovery and social integration of child victims. Both the crime victim literature and our direct experience confirm participation in the criminal justice system increases the risk of retraumatisation.⁶⁴

Children should be afforded the right to have an independent guardian to assist them in decision making about their future, where another suitable adult (such as a parent where appropriate) is not available to provide support. The UNICEF Guidelines on The Protection of Child Victims of Trafficking state that "As soon as a child victim is identified, a guardian shall be appointed by a competent authority to accompany the child throughout the entire process until a durable solution that is in his or her best interests has been identified and implemented."⁶⁵ The Guidelines also recommend a multidisciplinary approach to assessing needs of children where solutions are recommended with the best interests of the child at the centre.⁶⁶

In cases where the CDPP determines it would be in the public interest to prosecute a case, there are

⁶² Convention on the Rights of a Child, Article 2, HCHR Guidelines c.8

⁶³ OHCHR, Recommended Principles and Guidelines on Human Rights and Human Trafficking, 2010, p.64

⁶⁴ Herman, J. (1997) [1992]. Trauma and recovery: The aftermath of violence—from domestic abuse to political terror. New York: Basic Books.

⁶⁵ UNICEF Guidelines on the Protection of Child Victims of Trafficking, X, p.16

⁶⁶ UNICEF Guidelines on the Protection of Child Victims of Trafficking, X, p.25

mechanisms, such as those in domestic violence cases that provide for an officer to act as complainant rather than the child. *The Committee should explore this and determine if there are sufficient grounds to retain the cooperation requirement for child victims of slavery, particularly forced marriage.*

Early and forced marriage

Extensive research and international evidence suggests that a comprehensive suite of measures which include the coordinated delivery of both legislative and non-legislative measures are required to prevent early and forced marriage and protect those affected.

Federal Legislative Response

Australia has criminalised forced marriage as one of the slavery offences within the Commonwealth Criminal Code Div. 270 & 271. Civil protections and marriage offences are also found within the Marriage Act (1961) and the Family Law Act (1975).

Whilst this step helped to raise awareness of the issue, the national response to early and forced marriage has been limited in its success due to some key challenges, including the cooperation requirement, limited engagement with practicing communities, and sometimes poor coordination between state and federal systems. For these and other reasons, there have been no convictions under the forced marriage offence. The inherent complexities of forced marriage, the typically personal relationship between offenders and victims, and the barriers victims have expressed in accessing the support framework, make this crime type extremely difficult to prosecute.

Additionally, there remains a significant gap in supportive mechanisms available to individuals at risk of forced marriage who are over the age of 18. Court ordered interventions and airport watch list orders are limited to applicants under the age of 18 and do not apply across the states. Those at risk over the age of 18 are relying on alternative and untailored interventions which do not always include the option of an airport watch list order. Whilst it is typically people under the age of 18 who are at risk, the marriage is often scheduled to occur on or soon after an 18th birthday, rendering protective options inaccessible. We refer the Committee to the Legal Aid NSW submission to the Family Law Council, *Families with Complex Needs and the Intersection of the Family Law and Child Protection Systems*⁶⁷, which provides further analysis of this issue.

State Legislative Response

Inclusion of early and forced marriage and/or child marriage in state legislation varies from state to state. Some states, including New South Wales, have recognised forced marriage explicitly in their child protection response frameworks,⁶⁸ whilst others have not. Forced Marriage has been acknowledged in Australia's Second National Action Plan to reduce violence against women and their children; there has again been varied application of this in state plans—however no plan addresses this as a standalone manifestation of family violence requiring distinct resources and support.

⁶⁷ http://www.legalaid.nsw.gov.au/data/assets/pdf_file/0015/22038/Submission-to-the-Family-Law-Council-Intersection-of-Family-Law-and-Child-Protection-Jurisdictions.pdf

⁶⁸ Reference to Child Marriage has been made explicitly in mandatory reporting guidelines, with specific measures put in place at the Child Protection Reporting line. All reports of child marriage are to be allocated for investigation by child protection professionals in local service centres.

Failure to recognise and legislate against early and forced marriage within states hinders the ability of state agencies to respond to disclosures of risk.

A Coordinated Approach

The multiple frameworks that have been designed to ultimately assist individuals at risk are falling short due to the lack of mandated state and federal government coordination. Various front line responders such as state police, schools and health care providers are positioned in the community to receive referrals of individuals at risk. They remain largely unaware of the framework in place and do not have any accessible resources and mechanisms to provide support. The current approach places excess burden on the individual at risk to initiate these processes.

A more streamlined and accessible response protocol that involves both state and federal government agencies and civil society is required to efficiently and adequately respond, reducing risk and ensuring safety. State and federal government cooperation increases the capacity for individuals to seek assistance and for front line responders to put in place a rights-based framework. This coordinated response would provide a process by which to consider the best outcome for each case on an individual basis. Whilst federal police do exercise great discretion and sensitivity in dealing with these cases, decentralising the role of law enforcement would fundamentally change how we approach cases of forced marriage to allow greater consideration of non-criminal justice outcomes as the determiner for success.

As explained above, there remain substantial barriers for many victims to access basic support. **Outside of the Federal Government's Support Program there are no funded services for comprehensive, face-to-face support for individuals facing early and forced marriage.** Yet failing to effectively support young people at risk of early and forced marriage leads to a range of severe and long lasting impacts, including forced and early pregnancy, physical and psychological violence, decreased access to education and employment opportunities, financial dependence and in some cases forced labour.

In our experience, the majority of individuals seeking support do so before the marriage occurs. This illustrates the need to ensure that an effective early intervention response is in place. Our clients have told us that if they want to avoid being married they are not able to remain living at home. All have reported physical and/or verbal abuse once their families found out they were resistant, did not want to marry or, had informed someone about their situation.

The states and territories support young people experiencing homelessness through various state-wide homelessness initiatives, however, these services are established to support young people with very different needs. In our experience of delivering residential accommodation programs to this population, we have learned that they need specialised, comprehensive support to build independent lives.

Individuals facing early and forced marriage need time to rebuild their life in Australia following, in most cases, total separation from their families and communities, which in some cases has taken up to two years. Typically, individuals come from isolated and conservative homes whereby they are unaware of what money is, how to access public transport, cook, clean and maintain their accommodation. The 16 – 17 year olds presenting to services require more intensive support than 16 – 17 year olds in other client populations as their cognitive functioning and life skill development is significantly below their physical age.

Current specialist homelessness programs do not have the scope to provide for individuals in this way— they are already over capacity with other populations and are unable to prioritise the unique needs of this

client group. Best practice with this client group indicates that a 'continuum of care' approach should be adopted which provides flexibility for first time service users to access services safely and for long enough that they do not re-enter the service system.

We understand from the NSW state working group on early and forced marriage that keeping young people engaged in education is a priority for Government. Noting this, we emphasis to the Committee that appropriate support, including basic and appropriate housing, is essential to keeping them engaged in education as they try to survive and navigate a very uncertain future.

A large proportion of this client group will face a life time of ostracisation from family, which is extremely confronting for both the client and the residential service provider. This also sets these clients apart from other young people experiencing homelessness, which must inform any residential care model. Critical to the long term success of this client group is successful integration into a new community and ensuring that during the residential care period, young people have access to psychosocial programs that build resilience and emotional wellness.

Beyond people at risk of or experiencing forced marriage are a range of victims of other forms of slavery and trafficking who are also in need of appropriate housing and assistance. We refer the Committee to the *NSW CRC inquiry, Finding 3. Improve outcomes for trafficked people* and urge members to readopt recommendations to consider how to improve housing accessibility and other forms of assistance to this client group.

Recommendations

10. The Committee should seek answers to the following questions:
 - a. Do state prosecutors have the capacity to prosecute federal slavery offences?
 - b. Are current victim engagement strategies undermining prosecutions?
 - c. Are expert witnesses being used to assist prosecutors to address credibility issues, where appropriate?
 - d. Are prosecutors appropriately resourced to manage the complexity of trafficking cases?
11. Make representations to the Commonwealth to remove the requirement to cooperate with law enforcement for victims of people at risk of early and forced marriage and for all child victims under the age of 18.
12. Introduce Forced Marriage Protection Orders, similar to the U.K. model⁶⁹, which include airport watch list orders and court ordered intervention for those over the age of 18. Salvation Army endorses the recommendations made by Legal Aid NSW to the Family Law Council and urges the Committee to carefully consider these.⁷⁰
13. Commit state resources for supported accommodation for young people at risk of or experiencing early and forced marriage, regardless of their capacity or willingness to engage with the criminal justice process.

⁶⁹ <https://www.gov.uk/apply-forced-marriage-protection-order/overview>

⁷⁰ Legal Aid NSW, see supra note 67

Terms of Reference 1(d) the practical measures and policies, including security measures to protect New South Wales identity documents, that would address human trafficking in New South Wales

Building community-based responses to trafficking

In a submission to the 2012 Joint Standing Committee on Foreign Affairs, Defence, and Trade, Subcommittee Inquiry into Slavery, Slavery-like Conditions, and People Trafficking,⁷¹ The Salvation Army recommended that state governments should establish working groups to guide and implement anti-trafficking efforts and to coordinate those efforts with appropriate Commonwealth agencies as well as local jurisdictions. Reflecting this view, the NSW Inquiry into the exploitation of people through trafficking in all its forms listed as its first recommendation: the establishment of “a high-level Human Trafficking Ministerial Advisory Council to coordinate a whole-of government response to human trafficking and slavery in all its forms in NSW and to liaise with the Commonwealth.”⁷²

Research indicates that active multidisciplinary anti-trafficking working groups, or task forces are more likely to discover human trafficking and achieve successful prosecution of perpetrators.⁷³ A study of this model by Northeastern University⁷⁴ found “law enforcement agencies participating in multi-agency human trafficking task forces are more likely to have training, protocols and specialised units or personnel devoted to human trafficking investigations and are more likely to perceive human trafficking as a problem in their community. Additionally, these agencies are more likely to have investigated cases of human trafficking.”

The study also noted the important role of local law enforcement, stating: “The federal government has provided strong national leadership in the fight against human trafficking, but responses from local law enforcement remain essential to the successful identification and investigation of these crimes. Municipal, county and state police are familiar with their local communities and are involved in routine activities that will likely bring them into contact human trafficking victims and offenders....Effectively responding to human trafficking requires local law enforcement officers to recognize potential victimization and provide services to victims who may have been historically under-served by or had poor relationships with law enforcement (e.g., migrants, immigrant community member, and poor women and girls).”

The “task force” approach is considered best practice by the UN Office on Drugs and Crime and is exercised in the U.S. and, in various forms, across Europe and Asia. Over the last ten years, the U.S. Department of Justice has funded 43 task forces across the United States, which has delivered dramatic improvements across a range of anti-trafficking priorities from detection and victim support to investigation and prosecution.

⁷¹ http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jfadt/slavery_people_trafficking/subs.htm

⁷² Community Relations Commission, see supra note 3.

⁷³ Northeastern University Institute on Race and Justice and Urban Institute Justice Policy Center (2012) *Identifying Challenges to Improve the Investigation and Prosecution of State and Local Human Trafficking Cases* <http://www.urban.org/uploadedpdf/412593-state-and-local-human-trafficking-cases.pdf>

⁷⁴ Farrell, McDevitt, Fahy (2008). Understanding and Improving Law Enforcement Responses to Human Trafficking. <https://www.ncjrs.gov/pdffiles1/nij/grants/222752.pdf>

A UK study of the law enforcement response to trafficking found that multi-agency working was a key element to successful prosecutions, noting the various strengths and perspectives of stakeholders and the benefits of working in a coordinated rather than isolated way. The study also found that “where evidence to sustain a trafficking charge fail[ed] to materialise, discussions among agencies may reveal other disruptive interventions.” Stakeholders reported “that regular meetings driven by clear terms of reference had resulted in the development of relationships and trust building which allowed for the easier exchange of intelligence.”⁷⁵

Another positive aspect of the UK model is the Human Trafficking Centre Reception Centre Model, which provides a safe and victim-centred alternative to screening in places like detention centres or police stations. The ‘Reception Centre’ is a controlled environment where individuals are taken after raids for the purpose of victim identification, initial protection, needs assessment and evidence preservation. Reception Centre staff coordinate with agencies such as the Red Cross and The Salvation Army to assist victims at the earliest points of intervention to help build trust and encourage cooperation with authorities in investigation of trafficking matters. Adopting a similar model in Australia may assist to build rapport with victims and incentivise cooperation with the criminal justice system so more offenders are held to account.

Yet another example from the UK is the Forced Marriage Unit,⁷⁶ which features a multi-disciplinary response team that works in partnership with law enforcement. A similar model in Australia would release federal police from time-consuming non-investigative tasks whilst allowing them to remain connected to the case.

Taskforce structure

To ensure equal focus on both criminal and social justice, The Salvation Army recommends that taskforces be co-chaired by designees of state/territory community services and justice departments or to have a rotating chair to ensure an inclusive and balanced approach. Ideally, the group should include key government and non-government agencies that do or would play a central role in responding to cases of slavery and trafficking as well as at least one person who has experienced trafficking and slavery first hand. Survivors have unparalleled insight and knowledge to inform prevention, identification, and response strategies⁷⁷ and have not been sufficiently engaged in building or evaluating the national response.

Possible focal points for the group include:

- Consult with governmental and nongovernmental organizations and the private sector to strengthen state and local efforts to prevent trafficking/slavery, protect and assist victims, and prosecute offenders.
- Examine collaborative response models between government and nongovernmental organisations.
- Assess the need for and barriers to access for services such as housing, education, health care, etc.; identify government departments that do or could provide services to victims of trafficking/slavery and connect with community groups providing direct services.
- Develop strategies to increase awareness of trafficking/slavery-like practices including training of

⁷⁵ Annison, R., see supra note 10, p 65.

⁷⁶ <https://www.gov.uk/guidance/forced-marriage#forced-marriage-unit>

⁷⁷ Okech, D., Morreau, W., & Benson, K. (2012). Human trafficking: Improving victim identification and service. *International Social Work*. Online at: <http://isw.sagepub.com/content/early/2011/11/30/0020872811425805>

police and government department staff likely to interact with a victim or victim-support agency (e.g. victim support, child protection, health, education, multicultural and women's interests).

- Contribute to national data collection and evaluation projects.

In the absence of additional funds to fortify law enforcement efforts around the country, one practical alternative is simply to restructure the response. Community-based anti-trafficking groups provide a forum for learning, problem-solving, and developing a response framework that leverages the strengths of a variety of groups at the local level. While additional resources would be an advantage, these groups can operate within existing budgets, helping people do what they already do, but better.

A working example of such a group is the Western Australia Interagency Group on Trafficking and Slavery, a network of stakeholders from all levels of government and civil society examining exploitation and modern slavery at the local and state level in Australia. Unlike similar groups, the WA-IAG is dedicated to diversifying the approach to modern slavery by engaging individuals, groups and government departments that have not traditionally been engaged in anti-slavery work. The group meets three to four times each year and includes representatives from local governments, five state government departments and four Commonwealth agencies. Additionally, it includes representatives from multi-cultural services, trade unions, migration services, and faith and community-based organisations.

We note that the need for better coordination with the states was identified in the CRC inquiry final report, which stated under Finding 1:

The Inquiry found that the response to human trafficking and slavery in NSW needs to be strengthened. At present, state and territory governments (with police forces as the occasional exception) are not involved in any national processes for determining policy and strategies. There are no formal relationships between agencies which should have responsibilities for providing services and information. Nor are there formal relationships with non-government organisations which are active in this area and are most likely to come into contact with trafficked people. The Committee recommends NSW adopt a human rights based approach focussed on information, education and prevention, as well as enforcement. NSW has a responsibility, as the major provider and funder of relevant services, particularly housing services to ensure that the welfare and rights of trafficked and enslaved people are paramount.

National anti-slavery/trafficking hotline

Currently, Australia's primary point for referrals of slavery or trafficking matters is the AFP's hotline, despite the reluctance or fear victims may have to engage law enforcement. Helplines, such as 1800RESPECT are now widely advertised in forced marriage materials; however, there remains no independent helpline for victims of other forms of slavery.

Evidence from the United States, the United Kingdom and Southeast Asia—where national or regional, NGO-operated helplines are promoted—demonstrates the positive impact such helplines have on reporting of potential trafficking cases; improving understanding of trafficking; and in capturing important data about trafficking trends and outreach efforts.⁷⁸ For instance, Since December 2007, the U.S. national hotline has

⁷⁸ Information on the U.S. National Human Trafficking Resource Centre is available at: <https://polarisproject.org/resources/2015-hotline-statistics>; Information on the U.K.'s helpline is available at:

taken 72,000 calls, connected 8,300 survivors to services and support, and reported 3,000 cases of human trafficking to law enforcement. It operates 24/7, and partners with thousands of service providers and community-based organizations across the country to respond to survivors' needs.

The Global Human Trafficking Hotline Network is a new initiative to build an alliance of anti-trafficking hotlines that will expand the safety net for survivors of modern slavery and develop a more coordinated global response for victims of this transnational crime. The alliance will also create a data-driven approach that identifies human trafficking trends and informs eradication, prevention, and victim protection strategies.⁷⁹ Because lack of data is such a key problem in the Australian context, a national hotline would greatly inform a national picture of this crime type, including where more and different resources are required.

Improve incentives and remove barriers to cooperation

Family Reunification

The very lengthy timeline in achieving a permanent outcome is commonly identified by victims as barriers to cooperating with law enforcement, which for many people, means possibly putting loved ones who remain at home and unprotected at risk. The dilemma many victims face is clearly illustrated in the words of one Salvation Army client who stated: *"I could never take any action against my employer until I know my kids are safe."* There are many cases like this, where victims would fully cooperate if their safety concerns were addressed.

Deciding to cooperate is a significant decision for a trafficked person and once it is made, it is in their interest to quickly establish permanency and ensure their safety and that of their immediate loved ones. Where permanency cannot be established before trial, temporary reunification is an option, but does not occur as a standard practice.

Extended periods in temporary status/Transparency in decision-making within the anti-trafficking framework

In many instances, cooperating victim witnesses remain in temporary status for years, in almost untenable situations of prolonged dependence, uncertainty and separation from family.

Non-governmental organisations observe a lack of transparency in what processes are followed to ensure eligibility for the STPP and the permanent Referred Stay visa are assessed in a consistent, objective manner. This has been a topic of discussion at several recent Roundtable meetings. Responding authorities have a great deal of discretion when making these decisions and are not held to specified time frames for actioning the various stages of a case. Further, there is no independent review process for victims to appeal negative decisions about referring them for a permanent visa.

It is unclear why victims are not invited to apply for the permanent Referred Stay visa (formerly Witness Protection Trafficking Visa-WPTV) sooner in the process. A common concern is that the defence may claim a victim is only cooperating to get a permanent visa; a claim that is, indeed, one of many common and challenging issues that prosecutors must address in their cases. We assert this difficulty is both

<https://www.gov.uk/government/news/enhanced-helpline-to-benefit-survivors-of-modern-slavery>.

⁷⁹ <https://polarisproject.org/news/press-releases/polaris-project-launches-global-human-trafficking-hotline-network>

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manageable and worthwhile to ensure a stable and competent witness and would argue this claim may be refuted if a person already has a visa and is cooperating with law enforcement and prosecutors *by choice*. ***In our experience having worked in both scenarios, defence counsel will make this claim either way, in an attempt to discredit witnesses. Thus, the priority should be to have as strong and credible witness as possible.***

Independent migration pathways

There is another way to address the previous issue, which involves separating the immigration process from the criminal justice process. In countries like the United States, Italy and Belgium, victims may apply, or “self-petition”, for permanency. The process retains robust standards with strict eligibility criteria to prevent fraud, including evidence of credible fear (or statement of fears) if returned home.

In a recent visit to Australia, Major Anne Read, National Coordinator for The Salvation Army Human Trafficking Response Team⁸⁰ in the United Kingdom shared information on their model with stakeholders in Sydney. She explained a new pilot project where trafficking victims’ visa applications are reviewed not by one agency, but rather, by a panel of experts, including representatives from government, law enforcement, and the mental health and social work professions.⁸¹ According to Major Read, the pilot is expected to increase transparency and neutrality in the visa adjudication process and decrease the administrative burden on any one agency.

Regardless of the model, separating the immigration process from the criminal justice process, is likely to have the benefit of alleviating a considerable pressure point for AFP officers who must provide advice in relation to threat of harm to the victim should they return home. The process of compiling this information can be extensive; in other jurisdictions, like the U.S., immigration authorities accept statutory declarations from experts in human trafficking and torture, who are qualified to assess credible fear claims.

Creating an independent pathway that accepts other forms of evidence of fear, such as statutory declarations by mental health professionals, would free up the AFP’s time to focus on investigation and victim management.

Independent legal advice

Another practical measure that would empower victims to cooperate with the criminal justice process is entitlement and access to independent legal advice. The Trafficking Protocol provides that Australia has an obligation to make legal advice available to people trafficking victims:

Each State Party shall consider implementing measures to provide for the physical, psychological and social recovery of victims of trafficking in persons, including, in appropriate cases, in cooperation with non-governmental organizations, other relevant organizations and other elements of civil society, and, in particular, the provision of:

(b) Counselling and information, in particular as regards their legal rights, in a language that the victims of trafficking in persons can understand.⁸²

⁸⁰ The Salvation Army is the lead agency contracted by the U.K. Government to respond to the needs of suspected and confirmed victims of trafficking. The Salvation Army sub-contracts an additional 12 agencies across the country, which contributes great resources and expertise for a comprehensive safety net nationwide.

⁸¹ Personal communication, Major Anne Read, 12 February 2016.

⁸² Article 6.3(b)

Legal advice may be required not just for migration matters, but for criminal and possibly civil matters as well. Providing independent advice ensures someone is acting on behalf of the victim as a potential witness or even plaintiff, with no conflict of interest.

The UNODC Toolkit to Combat Trafficking in Persons states it well:

Sometimes, in a rush to accomplish other goals, such as prosecuting the traffickers, States focus on victims for the information they can provide or their usefulness to the criminal justice system. The danger is that States might treat the victims as merely pawns in a struggle between the State and the traffickers and not as human beings in need of protection and assistance and deserving of respect.

Thus, despite the best of intentions to be responsive to victims' needs, the very nature of the system puts different pressures on law enforcement officers. Providing an additional and independent source of information and support alleviates the burden on law enforcement and, in our experience, creates stronger witnesses.

Address worker exploitation

The AIC's report on labour trafficking⁸³ concluded that "The areas of life and work where...unlawful conduct occurs are potential breeding grounds for more serious forms of exploitation. As such, a focus on unlawful conduct against migrant workers...can be considered a legitimate response to concerns about more serious forms of exploitation, including labour trafficking."

In evidence provided to the Senate inquiry into temporary work programs⁸⁴, the Productivity Commission review of the workplace relations framework⁸⁵, and other fora, The Salvation Army has repeated that basic protections should not be traded for competitiveness; otherwise, the integrity of Australia's temporary work programs will be eroded and vulnerable people will continue to be at risk of severe forms of exploitation including trafficking and forced labour.

To strike this balance, we have proposed recommendations specific to temporary migrant workers and their spouses, who are known to be highly vulnerable to exploitative practices. These are included in the general recommendations below.

Information Regarding Identity Documents

According to the 8th IDC report⁸⁶, the majority of all suspected victims have entered Australia on a valid visa, including tourist, student and temporary work visas. An AIC report on Labour Trafficking revealed possible trafficking through misuse of trainee visas⁸⁷, temporary business visas⁸⁸, working holiday visas⁸⁹, and the Temporary Work (International Relations) visa for domestic workers employed by diplomatic or consular staff⁹⁰.

In The Salvation Army's experience, traffickers wittingly use a range of visa types, including many of the

⁸³ David, see supra note 25.

⁸⁴ http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Education_and_Employment/temporary_work_visa

⁸⁵ <http://www.pc.gov.au/inquiries/completed/workplace-relations/submissions>

⁸⁶ Commonwealth of Australia (2016). 8th IDC report, p23.

⁸⁷ David, see supra note 25, pp 41, 43.

⁸⁸ David, see supra note 25, p 33.

⁸⁹ David, see supra note 25, p 26.

⁹⁰ David, see supra note 25, p 26.

above, to facilitate legal entry into Australia. In more obscure circumstances, we assisted an individual trafficked into domestic servitude by a close relation via the Orphaned Relative visa. In another, widely reported case, four Filipino men were trafficked into domestic work via the former 421 Sport Visa.⁹¹

Recommendations

14. As stated in the CRC inquiry Recommendation 1: ...Establish a high- level Human Trafficking Ministerial Advisory Council to coordinate a whole-of government response to human trafficking and slavery in all its forms in NSW and to liaise with the Commonwealth.
15. As stated in the CRC Inquiry Recommendation 2: ...Call on the Federal Government to establish a high-level structure of state and territory governments (The Salvation Army recommends this be done via the National Roundtable), as part of its formal national response to human trafficking and slavery. The priority of this representation should be to better coordinate intergovernmental responses to human trafficking and slavery [including]:
 - a. Investigating the gaps in services provided through the Australian Government Support for Trafficked People Program,
 - b. Developing programs to ensure that the human rights of trafficked and enslaved people are protected and supported,
 - c. Referring all matters to the proposed NSW Human Trafficking Advisory Council to develop a NSW response that ensures the needs of trafficked and enslaved people are met.
16. Support the establishment of a national, independent helpline that is operated by an NGO to ensure victims are able to seek safe, confidential advice and support.
17. Urge the Commonwealth to create incentives and reduce barriers to cooperating with criminal justice authorities, by:
 - a. Facilitating temporary visas for victims' immediate family members who are in danger. Such family members should have access to the STPP and, where eligible, the opportunity to apply for permanency,
 - b. Building accountability and reducing periods in temporary status by setting clear, transparent time-limited triggers that progress a victim towards safety and permanency. For example, victims should be referred for permanent visa within six months of being identified as a victim,
 - c. Establishing a self-petitioning process within the migration system, like that of Belgium, Italy, and the U.S., where participation rates in criminal justice process are high,
 - d. Establishing an independent review process for negative decisions regarding access to the STPP and Referred Stay visa,
 - e. Providing guaranteed access to trusted, independent legal advice through resourcing legal aid programs across the country,
 - f. Empowering workers to leave exploitative work through a guaranteed right of stay so they are able to remain lawfully in the country whilst pursuing claims and, where applicable, obtain new employment,
 - g. Amending the FW Act to clarify that it applies to all workers, regardless of their immigration status,
 - h. Providing information on rights and responsibilities to a broader range of visa types.
18. With the Commonwealth, jointly fund community education initiatives to raise awareness of the indicators of trafficking and slavery and referrals pathways for suspected victims.

⁹¹ <http://www.smh.com.au/nsw/three-charged-over-alleged-trafficking-of-filipino-boxers-20131010-2vbq7.html>

Term of Reference 1 (e) other related issues.

Law enforcement in the National Action Plan to Combat Human Trafficking and Slavery

The launch of the National Action Plan in December 2014 was a significant achievement. The Plan has many strengths, including a balanced approach across all forms of trafficking and slavery, a commitment to human rights, and clear intention to balance efforts across prevention, protection and prosecution.

One area where the Plan could be improved is in the measurability of its actions and in the ability to attribute longer-term outcomes to those actions. The lack of this detail in the Plan, combined with limited information provided in the annual IDC reports, make it difficult to fully assess the Government's progress toward ending modern slavery in Australia.

Table 1 provides a snapshot of the accountabilities and measurements for ensuring law enforcement agencies are able to identify and investigate human trafficking cases. The Table includes the measures associated with the action as well as the second progress report, which is provided in Appendix 1 of the 8th IDC report.⁹²

TABLE 1

<i>Pillar 2: Detection and Investigation</i>		
Goal One: Australia ensures frontline officers are trained and equipped to detect and respond to human trafficking and slavery.		
Action	Measure	Status Report (8th IDC Report)
Item 20: Train Australian domestic frontline officers to recognise the indicators of human trafficking and slavery and to respond to slavery.	20.1 Continue to run the annual Human Trafficking Investigations Programs for Australian Federal Police investigators, State and Territory police and representatives, from the Department of Immigration and Border Protection.	During the reporting period, the Australian Government continued to run the annual Human Trafficking investigations course for AFP investigators, state and territory police and representatives from DIBP. Course content has been revised and is anticipated to be delivered next in early 2017.
	20.2 Continue to provide specialist training to Department of Immigration and Border Protection onshore compliance officers through the Compliance Training Program.	During the reporting period, the Australian Government provided specialist training to DIBP onshore compliance officers through the Compliance Training Program.
	20.3 Continue to provide specialist training to Department of Immigration and Border Protection state and territory offices to ensure frontline staff, as a first point of client contact, are able to identify indicators of human trafficking and slavery.	During the reporting period, the Australian Government provided specialist training to DIBP and ABF state and territory offices to ensure frontline staff, as a first point of client contact, are able to identify indicators of human trafficking and slavery. DIBP also developed its internal e-learning module for departmental staff in frontline roles slavery.

⁹² Commonwealth of Australia, see supra note 8.

There are several problems with this framework:

1. The training of frontline professionals is concentrated on federal agencies, with the exception of marriage celebrants;
2. Only two representatives from state policing agencies attended the last training in 2015 and no information is provided about the numbers of trainees in DIBP and FWO trainings;
3. There are no specific targets for numbers and type of officers to be trained by any of the agencies;
4. There is no information on the evaluation of the training demonstrating an improvement in knowledge and capability as a result of completing the training;
5. There are no indicators to associate the training to specific outcomes, such as an increase in identification and referral of potential cases, thus the status report simply states the trainings occurred.

The vagueness of the training action is reflected in other actions that are particularly relevant to the recommendations made in this submission, including actions on raising community awareness (Action and strengthening relations between frontline officers and vulnerable groups (Action 24). The corresponding measure for Action 23 is to provide practical support for organisations to raise awareness. Yet, there is no funding for a community awareness strategy and the budget delineated in the plan targets only forced marriage. While this is a positive step, it falls short of reaching the Plan's intention to balance the response across all types of slavery and trafficking.

The corresponding measure for Action 24 is to maintain capacity of AFP Community Liaison Teams to build positive, trusting and cohesive relationships with relevant communities. The status report for both actions reads as it does for Action 20; that the Australian Government continued to provide practical support to organisations and maintained the capacity of liaison teams.

On the positive side, we are not starting from scratch and the Plan provides a strong foundation from which to work. Additionally, the Plan allows for amendments to be made over time, which can and should include more specific targets for state LEAs. However, it is necessary to review the measurability of the Plan to ensure its success and such a review would be best managed by an independent commissioner, similar to the role created under the U.K. Modern Slavery Act.⁹³

Children

It bears noting the impacts of the lack of measurability of the National Action Plan on particularly vulnerable groups, such as child victims of trafficking and slavery.

For instance, measure 50.2 reads: "Ensure that the [Support Program] and trafficking visa framework continue to take into account the needs of minors, including through the availability of a 90-day reflection and recovery period under the Assessment and Intensive Support and Extended Intensive Support Streams."

⁹³ The UK Anti-Slavery Commissioner is established in the *Modern Slavery Act 2015* (UK) and must encourage good practice in the prevention, detection, investigation and prosecution of slavery and human trafficking offences; and the identification of victims of those offences (*Modern Slavery Act 2015* (UK) s 41(1).) Public authorities, such as law enforcement and border security, must co-operate with the Commissioner to enable the Commissioner to perform his or her statutory function, which may include making recommendations to public authorities about the exercise of their functions.

This measure is insufficient because it only speaks to whether children are afforded more time to decide if they will cooperate with law enforcement. It does not speak to the lived experience of children who engage with the framework or whether the framework is succeeding in balancing the needs and rights of children with other interests. The status report against this measure in the 8th IDC report⁹⁴ reads:

“During the reporting period, the Australian Government ensured that the [Support Program] and visa framework continued to take into account the needs of children, including through the availability of the 90-day reflection and recovery period...” This information does not meet an adequate standard for government reporting and accountability. We note that the CRC Inquiry made a specific recommendation on this point: Recommendation 5. That the State Government consider, where appropriate, the appointment of a guardian (state authority) to oversee the care and protection of children and young people who are affected by human trafficking or slavery.

Previous inquiry into human trafficking and slavery

In addition to the NSW CRC inquiry, the Joint Standing Committee on Defence, Foreign Affairs and Trade (JSC-DFAT), Human Rights Sub-committee also compiled a great deal of information relevant to the interests of the Committee’s present inquiry. The JSC-DFAT Inquiry received over 80 submissions and despite great alignment in recommendations from key anti-slavery groups, the Committee’s final report⁹⁵ produced only eight recommendations:

1. The Committee recommends that the Department of Immigration and Citizenship, in conjunction with the Interdepartmental Committee on Human Trafficking and Slavery and relevant non-government organisations, develop a fact sheet to provide visa applicants information on their rights as part of the visa application process. The information should be available in the visa applicant’s language.
2. The Committee recommends that the Australian Government continue to use international mechanisms including, but not limited to, the United Nations Human Rights Council’s Universal Periodic Review to combat people trafficking.
3. The Committee recommends that the Australian Government negotiate re-funding of contracts for non-government organisations one year ahead of the current contracts’ conclusion.
4. The Committee recommends that suspected victims of trafficking be provided an initial automatic reflection period of 45 days, with relevant agencies given the capability to grant two further extensions of 45 days if required. In addition, the suspected victims of trafficking should be provided adequate support services through the Support for Trafficked People Program.
5. The Committee recommends that the Australian Government consider Recommendation 3 of the Senate Legal and Constitutional Affairs report on the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012, having regard to the need to ensure that even if assistance does not lead to a conviction, it is still substantial in terms of giving assistance to authorities.
6. The Committee recommends that the Australian Government further investigate the establishment of a federal compensation scheme for proven victims of slavery and people trafficking. The compensation fund should be funded by persons convicted of these crimes. The Committee also

⁹⁴ Commonwealth of Australia, see supra note 8.

⁹⁵ Trading Lives: Modern Day Human Trafficking. http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ifadt/slavery_people_trafficking/report.htm

recommends that the Australian Government review the current rates of compensation.

7. The Committee recommends that the Australian Government, in consultation with relevant stakeholders, undertake a review to establish anti-trafficking and anti-slavery mechanisms appropriate for the Australian context. The review should be conducted with a view to: introducing legislation to improve transparency in supply chains; the development of a labelling and certification strategy for products and services that have been produced ethically; and
8. The Committee recommends that the Australian Government utilise the UK Internet Watch Foundation's URL list to block access to child abuse sites in Australia increasing the prominence of fair trade in Australia.

From these, the Government accepted only Recommendation 2 in full at the end of 2016. Given the amount of time, energy and resources that went into the Inquiry, The Salvation Army and many of our partner agencies were profoundly disappointed with its results. While some very positive changes have occurred in response to NGO recommendations, those occurred outside the remit of the Joint Standing Committee.

While the terms of reference are slightly different, the current Inquiry provides a great opportunity to review the outcomes of previous inquiries and reconsider the evidence for change.

Recommendations

19. **Urge the Commonwealth to establish an Independent Commissioner on Slavery and Trafficking, similar to that of the United Kingdom. An independent commissioner on trafficking and slavery should conduct a review of the National Action Plan and recommend and oversee necessary updates to ensure it is achievable with existing resources; to assess additional necessary resources; to clarify measurable outcomes; and to ensure the Plan's actions will achieve those outcomes. The commissioner would also review recommendations from previous relevant Inquiries and seek to progress those recommendations in cooperation with the Commonwealth and state governments.**
20. **Adopt the CRC inquiry recommendation to consider, where appropriate, the appointment of a guardian (state authority) to oversee the care and protection of children and young people who are affected by human trafficking or slavery.**
21. **Consider adopting other CRC inquiry recommendations, not yet discussed in this submission, including the need for enhanced knowledge and awareness through training, coordination and research.**

Conclusion

Australia has made great efforts to establish a foundation for a domestic and regional antislavery response. Whilst Australia has made strong progress over the last decade to establish this foundation, the number of victim identifications and prosecutions remains low. This may be attributed to a generally low incidence of trafficking and slavery in Australia or, more likely, to the fact that, despite our national efforts, very few people across the country are aware that slavery still exists, how to identify it, and what to do if one suspects or discovers a case. Indeed, in nearly every training The Salvation Army delivers on this topic, a participant tells us: “I’ve seen cases like this, but I didn’t know what it was. I didn’t know there was help.”

Much more investment is required at all levels of government to identify and assist more victims and hold more perpetrators to account. A truly comprehensive response must include local and state government, as well as communities, not as latent supporters of the National Action Plan, but as key stakeholders and implementers of the plan. It is, after all, the states and territories with decades of experience developing local crime prevention strategies and frameworks for cross-sector collaboration. It is state and local representatives who are the “eyes” and “ears” of our communities.

In industrialised countries like Australia, the natural evolution in fighting modern slavery is re-balancing resources concentrated at the federal level with those at the state and local level. There are a variety of responses that would complement and strengthen the national framework, including passing parallel legislation on slavery and trafficking, establishing collaborative protocols and embedding them into state crime prevention strategies, implementing joint public awareness campaigns and creating local frameworks for coordinating victim response, training and outreach activities.

States and territories can also increase capacity of police and front-line staff to identify and respond to slavery cases and they can collaborate with and resource community service providers to meet the complex needs of victims so they may recover and participate in the criminal justice process. While the Commonwealth Department of Social Services funds a victim support program, there is often a gap period between identification and entering the program, particularly when a victim is identified by a group other than law enforcement. It is during this critical period that community services and government departments like child protection, housing, and health, can play a pivotal role.

Decentralising knowledge and resources presently concentrated amongst federal agents and a small group of federally-funded NGOs would breathe new life into Australia’s anti-trafficking framework. In the absence of additional resources, finding new ways of working within existing financial constraints would still be a positive step forward.

To do this requires the leadership of all levels of government working together to identify and address gaps. Local towns and councils also have an important role to play, particularly in raising awareness and identifying potential cases. By proactively facilitating collaborative multi-sector, multi-lateral engagement, providing opportunities for training and information sharing and developing a diverse, collaborative and strategic approach to funding support services for trafficked persons, Australia can become a world leader in the fight against human trafficking and slavery.

The Freedom Partnership

End Modern Slavery



Appendix-Background on The Salvation Army, Freedom Partnership to End Modern Slavery

The Salvation Army has an international mandate to fight modern slavery. In Australia, we have been working directly with victims since 2008, when we established the first and only safe house in the country for women who experienced trafficking and slavery.

The Safe House provides case management services to safe house clients and community-based clients, including women, men, youth and children. We have supported over 300 individuals, including migrant workers who have experienced slavery in a variety of industries, including but not limited to: construction, personal/aged care, hospitality and tourism, and domestic work.

We have also supported victims of sexual servitude, forced marriage, and slave-like marriage. Over time, we have also provided prevention services to many other people who were not subjected to slavery but experienced underpayment/non-payment of wages, verbal abuse, excessive hours, living at their place of work and being unable to demonstrate an employment relationship despite working in a business for years.

The Salvation Army also provides legal services through Salvos Legal Humanitarian and works through its international networks to assist people repatriating and whose families require assistance. It is this first-hand experience that informs our recommendations in this submission.

In July 2014, we established The Freedom Partnership to build a national movement to end slavery, trafficking and other slavery-like practices in Australia. The Freedom Partnership does this by providing services to victims and by engaging survivors, service providers, communities, corporations, and all levels of government to seek and implement solutions to end slavery.

Our core initiatives include:

- Engaging and building the capacity of responders at the state, territory and local level to prevent, identify and work collaboratively to respond to cases of modern slavery;
- Fostering opportunities for survivors to become advocates in a self-determined, supported way;
- Leading and participating in strategic partnerships with other groups, including faith- and community-based organisations, unions, and academia; and
- Advocating for rights-based legislation and policy that reflects international best practice.