

Submission
No 23

INQUIRY INTO HUMAN TRAFFICKING

Organisation: Australian Government

Date received: 28 February 2017



Australian Government
Attorney-General's Department
**Criminal Justice Policy
and Programmes Division**

17/1029

28 February 2017

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Director, NSW Legislative Council Select Committee on Human Trafficking
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Main

I am writing in relation to the New South Wales (NSW) Legislative Council Select Committee's inquiry into human trafficking. This submission provides information about the Australian Government's response to human trafficking and slavery.¹ The submission has been prepared by the Attorney-General's Department (AGD) as chair of the Interdepartmental Committee on Human Trafficking and Slavery (IDC), on behalf of the following IDC member agencies:

- Australian Criminal Intelligence Commission (ACIC)
- Australian Federal Police (AFP)
- Australian Institute of Criminology (AIC)
- Commonwealth Director of Public Prosecutions (CDPP)
- Department of Employment
- Department of Foreign Affairs and Trade (DFAT)
- Department of Immigration and Border Protection (DIBP)
- Department of the Prime Minister and Cabinet (PM&C)
- Department of Social Services (DSS), and
- Fair Work Ombudsman (FWO).

This submission outlines Australia's legislative framework to combat human trafficking and slavery; trends and statistics relating to investigations, prosecutions and criminal methodologies; protections for vulnerable workers; support available to trafficked people; as well as the Government's international capacity building efforts and partnerships with civil society.

Information in this submission is current at 28 February 2017.

¹ For ease of reference, this submission uses 'human trafficking and slavery' as a general term that encompasses slavery-like practices including servitude, forced labour, forced marriage deceptive recruiting for labour or services, and debt bondage.

Human trafficking and slavery in the Australian context

Opportunities to traffic people into, or exploit people within, Australia are limited because of our strong migration controls, geographical isolation, and high degree of regulation, compliance and enforcement. Despite these efforts, Australia is not entirely immune to these exploitative practices.

Australia is primarily a destination country for human trafficking and slavery, with the majority of trafficked people identified by Australian authorities to date having been women from Asia who were exploited in the sex work industry. However, in recent years Australian authorities have found men and women exploited in situations outside the sex work industry – such as in the domestic work, hospitality, agriculture and construction industries, or within intimate or family relationships – are now being identified in numbers exceeding those identified as exploited within the sex work industry.

Australia's response to human trafficking and slavery

The Australian Government is committed to combating human trafficking and slavery, and has had a comprehensive whole-of-government strategy to combat these crimes in place since 2004. Australia's anti-trafficking strategy is founded on four central pillars: prevention and deterrence, detection and investigation, prosecution and compliance, and victim support and protection. Together, they address the full cycle of human trafficking and slavery from recruitment to reintegration, and give equal weight to the critical areas of prevention, law enforcement and victim support.

Australia's strategy is guided by the *National Action Plan to Combat Human Trafficking and Slavery 2015-19* (National Action Plan), which was launched on 2 December 2014 by the Minister for Justice, the Hon Michael Keenan MP. The National Action Plan provides the strategic framework for Australia's whole-of-community response to human trafficking and slavery and sets clear goals and action items which align to Australia's domestic laws and international obligations and are underpinned by key performance indicators for monitoring purposes. These are supported by a series of guiding principles, which provide the high-level and strategic foundation for the National Action Plan. The National Action Plan replaced Australia's original 2004 *National Plan of Action to Eradicate Trafficking in Persons*, which was superseded by policy and legislative changes. In March 2016, the Minister for Foreign Affairs and Trade, the Hon Julie Bishop MP, launched Australia's *International Strategy to Combat Human Trafficking and Slavery*, which complements the National Action Plan and amplifies our efforts as a regional leader in preventing and addressing human trafficking and slavery.

The IDC is responsible for oversight of Australia's anti-trafficking strategy, including monitoring its implementation, reporting to the Australian Government on its effectiveness, and ensuring emerging issues are addressed on a whole-of-government basis. Relevant agencies remain responsible for administering individual components of the strategy.

An Operational Working Group (OWG), chaired by AGD with membership from AFP, CDPP, DIBP and DSS, operates as a subcommittee of the IDC to resolve systemic operational issues that arise in the management of individual cases. The OWG meets on a six-weekly basis and has an important role in referring emerging policy issues for the IDC's consideration.

Legislative frameworks

Australia's legal frameworks reflect our international obligations to address human trafficking and slavery. Australia ratified the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Trafficking Protocol), which supplements the *United Nations Convention against Transnational Organized Crime* (UNTOC), in 2005. The Trafficking Protocol is the first global legally binding instrument with an agreed definition of trafficking in persons.

Australia is also a party to a number of other international instruments that form part of the legal framework on trafficking, including the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *Convention on the Elimination of All Forms of Discrimination against Women*, the *Convention on the Rights of the Child* and its Optional Protocols on *the sale of children, child prostitution and child pornography*, and on *involvement of children in armed conflict*, the *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery*, and several International Labour Organization conventions relating to forced labour, including the *Forced Labour Convention, 1930* (No. 29), the *Abolition of Forced Labour Convention, 1957* (No. 105), and the *Worst Forms of Child Labour Convention, 1999* (No. 182).

Criminal Code (Cth)

The Australian Government has comprehensively criminalised human trafficking and slavery under the Commonwealth *Criminal Code Act 1995*. Division 270 of the Criminal Code criminalises slavery and slavery-like practices, including servitude, forced labour and deceptive recruiting. These offences can apply to the exploitation of a person's labour or services in any industry, including the sex work industry. Forced marriage is also considered a slavery-like practice under Division 270. None of the Division 270 offences require the victim to be subject to an element of physical movement.

Division 271 contains specific offences for trafficking in persons and debt bondage. The offences in Division 271 are not limited to trafficking for the purpose of sexual exploitation; they cover trafficking in all its forms, including trafficking in children and trafficking for the purpose of organ removal. Penalties for the human trafficking and slavery-related offences in the Criminal Code range from four years' imprisonment for debt bondage to 25 years' imprisonment for slavery and child trafficking.

The Australian Government is committed to monitoring the human trafficking and slavery-related offences to ensure they remain robust and responsive to emerging trends. In recent years, improvements to Divisions 270 and 271 have been made by the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013*, which criminalised forced marriage and harbouring a victim, created standalone offences of forced labour and organ trafficking, and clarified and broadened existing provisions; the *Crimes Legislation Amendment (Psychoactive Substances and Other Measures) Act 2015*, which clarified that the slavery offences have universal jurisdiction; and the *Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015*, which expanded the definition of forced marriage and increased the associated penalties. The Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Bill 2016, currently before the Parliament, seeks to make a number of minor amendments to clarify and strengthen the operation of the offences in Divisions 270 and 271.

Crimes Act 1914 (Cth)

The Commonwealth *Crimes Act 1914* provides protections for people giving evidence in Commonwealth criminal proceedings, including victims of human trafficking and slavery-related offences. Under Part IAD of the Crimes Act, trafficked people can give evidence by closed-circuit television, video-link or, if granted leave by the court, by video recording, have their contact with the defendant or members of the public limited, and have a support person with them while they give evidence. Part IAD also makes it an offence to publish material identifying a trafficked person, and allows trafficked people to make victim impact statements to the court outlining the harm they have experienced. The Crimes Act also allows a court to order that an offender make reparation to the victim for any loss suffered or any expense incurred by reason of the offence.

Migration Act 1958 (Cth)

Under the Commonwealth *Migration Act 1958* it is an offence to allow an unlawful non-citizen to work and refer them to a third person for work. It is also an offence to allow and continue to allow a lawful non-citizen to work in contravention of their visa conditions and to refer them to a third person for work. The maximum penalty for committing such an offence is two years' imprisonment for an individual and \$108,000 for a body corporate. The Migration Act escalates these penalties to \$54,000 and five years' imprisonment for an individual and \$270,000 for a body corporate if there are aggravating factors present, for example if the worker is being exploited and the offender knows of, or is reckless as to, that circumstance.

It is also an offence under the Migration Act, punishable by a range of penalties including imprisonment, to contrive a marriage or illegitimate partner relationship for the purpose of obtaining a visa. These offences also capture conduct by third party facilitators.

In December 2015, new criminal and civil penalties were introduced to the Migration Act including strengthened visa cancellation provisions introduced as part of the 'charging for a migration outcome' framework. This framework provides for sanctions to be imposed on a person who asks for, receives, offers to provide or provides a benefit in return for visa sponsorship or employment sponsorship in relation to a temporary or permanent visa. The new legislative framework 'charging for a migration outcome' allows for appropriate action to be taken against any persons or third party entities involved in such activity.

Fair Work Act 2009

The Commonwealth *Fair Work Act 2009* governs the employee and employer relationship in Australia and sets out basic rights and protections for everyone working in Australia's federal workplace relations system, including migrant workers and visa holders. The FWO is created by the Fair Work Act and is responsible for promoting harmonious, productive and cooperative workplace relations, and to monitor, inquire into, investigate, and enforce compliance with relevant Commonwealth workplace laws.

Marriage Act 1961

Under the Commonwealth *Marriage Act 1961*, it is an offence for a person to solemnise, or purport to solemnise, a marriage if the person has reason to believe that one or both of the parties are not of marriageable age. It is also an offence under the Marriage Act for a person to go through a form or ceremony of marriage with a person who is not of marriageable age.

Proceeds of Crime Act 2002

The Commonwealth *Proceeds of Crime Act 2002* provides a scheme for tracing, restraining and confiscating the proceeds of crimes against Australian law, including human trafficking and slavery. These proceeds can then be returned to the Australian community to fund anti-crime initiatives.

State and territory legislation

State and territory governments are responsible for regulating the sex work industry in Australia. Most jurisdictions have enacted legislation relating to sexual servitude and deceptive recruiting which would allow for the prosecution of cases involving sexual exploitation. Historically state and territory police services have referred human trafficking and slavery-related matters to the AFP, however, more recently, state and territory police services have retained the investigation due to the nexus with state-based offending. All jurisdictions have a range of offence provisions to cover related crimes such as assault, sexual assault, forced prostitution, kidnapping and deprivation of liberty. State offences may be used in conjunction with, or in place of, Commonwealth offences.

Investigations and prosecutions

Human trafficking and slavery-related investigations are a high priority for the AFP. In determining which matters to prioritise, the AFP uses the Case Categorisation and Prioritisation Model (CCPM). Considerations when assessing a crime under the CCPM include incident type and the impact of the matter on Australian society. Generally, human trafficking and slavery-related offences will be assessed as having a very high impact and are considered a high priority crime type.

The AFP has dedicated Human Trafficking Teams in Sydney and Melbourne to investigate human trafficking and slavery-related matters, both proactively and through referrals from other Commonwealth or state and territory government agencies, industry, unions or non-government organisations (NGOs). As state and territory police may identify human trafficking and slavery matters before the AFP, and investigations may overlap, the AFP collaborates closely with state and territory police. Between 2004 and 6 February 2017, the AFP received in excess of 750 referrals for human trafficking and slavery-related matters. The AFP received 105 Human Trafficking referrals of alleged trafficking and related offenses during the 2016 calendar year, a decrease from the number of referrals received in 2015; the majority of these cases related to suspected forced marriage offenses.

The investigation of matters involving human trafficking and slavery can be protracted, complex and resource intensive, particularly given their often transnational nature. There are significant practical challenges in investigating crime across international borders, including the challenges of communication, and differences in the role of national institutions, legal and political systems. Victims, offenders and evidence can be located in more than one country, and the same set of circumstances can generate investigations and prosecutions in more than one jurisdiction. The AFP maintains an extensive network of officers posted to Australia's overseas missions, who provide a conduit for Australian and overseas law enforcement agencies to exchange information and progress these investigations.

Securing successful prosecutions is a key objective of the Australian Government strategy to combat human trafficking and slavery. The CDPP is an independent prosecuting service established

by the Australian Parliament to prosecute offences against Commonwealth law. The CDPP has no investigative function, and matters are referred to the CDPP from the AFP and other investigative agencies. Decisions about whether to proceed with human trafficking or slavery-related prosecutions are guided by the *Prosecution Policy of the Commonwealth*.

To date, 20 people have been convicted of human trafficking and slavery-related offences in Australia since 2004, 19 of whom were prosecuted by the CDPP. Ten of those individuals were convicted of slavery offences, six of servitude offences and three of human trafficking offences. One of the human trafficking convictions was for a matter involving labour exploitation and another involved trafficking in children. As at 28 February 2017, there were seven human trafficking and slavery matters before the courts, involving eight defendants.

In appropriate cases, the CDPP also provides advice to agencies during an investigation before a brief of evidence is referred. Between 1 July 2011 and 24 November 2016, the CDPP provided advice to the AFP and state and territory police in relation to 17 investigations, covering a range of human trafficking and slavery-related allegations, including forced marriage, servitude, forced labour, and debt bondage. This is in addition to advice provided to agencies in cases where a brief of evidence was later referred. Other advice was also given in relation to allegations of offences contrary to the Migration Act.

Protections for vulnerable workers

Forced labour is a type of exploitation for which people may be trafficked into, from, or within Australia – but not all victims of forced labour are trafficked. Australian citizens and permanent residents may experience substandard working conditions and more serious forms of exploitation, including slavery, servitude and forced labour, within Australia.

Migrant workers can be particularly vulnerable to exploitation, either by those who facilitate their journey to Australia or by employers once they arrive. This may be because of cultural and language barriers, a lack of knowledge of local workplace laws and standards, and in some cases, their reliance on their employer for their immigration status.

There is an important distinction to be drawn between people in circumstances of forced labour or other serious forms of exploitation, and those who may experience substandard working conditions. However, substandard working conditions, including the underpayment of wages, are not acceptable in Australia, and may be an indicator of more serious exploitation.

The Government announced its Policy to Protect Vulnerable Workers in May 2016. This policy includes proposed changes to the Fair Work Act to strengthen protections for vulnerable workers, additional funding for the FWO for compliance measures and the establishment of a Migrant Workers' Taskforce. The proposed changes to the Fair Work Act include increased penalties for serious contraventions, new penalties for franchisors and parent companies, changes to expressly prohibit so called 'cash back' scams and enhanced evidence gathering powers for the FWO.

The Migrant Workers' Taskforce, established on 4 October 2016, is working to identify further proposals for improvements law, law enforcement and investigation, or other practical measures to more quickly identify and rectify any cases of migrant worker exploitation. The Taskforce is

focusing on four key priority areas for action: better communication with visa holders; stronger enforcement; prevention and redress of exploitation; and policy frameworks and regulatory settings.

The FWO prioritises vulnerable cohorts that need the most help to understand and apply workplace laws and focuses its compliance and enforcement efforts on systemic non-compliance which can significantly impact vulnerable individuals and sectors of the labour market. The FWO also places a strong emphasis on engagement with industry, unions, government, academia and others to help identify opportunities to improve and deliver the best services for vulnerable members of the community.

While human trafficking and slavery-related offences fall outside its jurisdiction, the FWO has conducted awareness campaigns regarding minimum wages and conditions of employment under the Fair Work Act and brings civil proceedings before courts to seek penalties for workplace contraventions and recover unpaid wages. The FWO has developed strong relationships with other government regulators to effectively respond to suspected instances of human trafficking and slavery. In particular, the agency has a well-established relationship with the AFP for the referral of information.

DIBP and FWO work closely to share information, refer relevant matters and undertake joint operational activities. Taskforce Cadena is a Joint Agency Taskforce comprising DIBP, the Australian Border Force and FWO. It was established in June 2015 to enhance operational and intelligence capabilities to support whole-of-government efforts targeting organised fraud, illegal work and the exploitation of migrant workers in Australia. Behaviour that could amount to human trafficking and slavery uncovered by Taskforce Cadena is referred to the AFP for investigation.

Illegal workers are particularly vulnerable to exploitation practices and DIBP works to reduce instances of illegal work through: building awareness of the consequences of employing illegal workers; creating a credible threat of the consequences for employers and employees engaging in illegal work activity; and sanctioning businesses that commit work related breaches of the Migration Act or persist in employing illegal workers. The aim of all prevention, deterrence, detection and enforcement activity is to encourage voluntary compliance with migration laws.

There are various safeguards under migration legislation and policy to mitigate and address the risks of labour market exploitation depending on the circumstances of the case. Criminal, civil and administrative sanctions, as well as visa cancellation and application refusal powers are used under these frameworks to address breaches of the Migration Act.

The Paying for Visa Sponsorship framework, which came into effect on 14 December 2015, provides a further avenue for addressing instances of foreign worker exploitation. It is unlawful for persons to ask for, receive, offer or provide a benefit in exchange for a sponsored work visa arrangement. The legislation applies to temporary sponsored and permanent skilled employer nominated visas. Penalties for paying for visa sponsorship can include infringements and civil penalties carrying fines of up to \$43,200 for individuals and \$216,000 for bodies corporate; as well as criminal offences punishable by fines of up to \$64,800 for individuals and \$324,000 for bodies corporate, and up to two years' imprisonment for individuals.

DIBP takes an intelligence informed, risk-based approach to monitoring employers to ensure the sponsored visa holder works only in the nominated occupation, and is paid at least the market salary rate. There are different safeguards in place to mitigate the risk of labour market exploitation for

people on these visas. For instance, DIBP applies preventative measures through educational visits and sponsor self-audits to improve compliance with obligations. In higher risk cases, DIBP will conduct desk-audits and site visits (announced and unannounced) to investigate the relevant aspects of the business. DIBP can also take action against employers who commit breaches of their sponsorship obligations under the subclass 457 programme, including sponsorship cancellation, implementation of a bar, infringements and civil action.

In response to concerns about exploitation of Working Holiday Makers, the Australian Government introduced an important integrity reform to the Working Holiday Maker (WHM) programme in December 2015. Under these regulations, applicants applying for a second Working Holiday visa (subclass 417) must provide evidence that their ‘specified work’ (completed in order to acquire eligibility for a second visa) was remunerated in accordance with the relevant Australian awards and legislation. The same requirement to demonstrate lawful remuneration of ‘specified work’ has also been applied to applicants under the second Work and Holiday visa (subclass 462) programme since its commencement on 19 November 2016. This reform removes any indirect incentive for Working Holiday Makers to enter into unlawful workplace arrangements with employers.

The Australian Government has also recently implemented key reforms to strengthen the subclass 457 visa programme and to ensure overseas skilled workers are not exploited. These reforms include: reducing the period that a subclass 457 visa holder can remain in Australia after their employment ceases, from 90 days to 60 days; introducing a sponsor obligation to ensure that 457 sponsors do not engage in recruitment practices that discriminate against Australian workers in favour of overseas workers; and better information sharing with other agencies (e.g. the Australian Taxation Office) on 457 sponsors.

Criminal methodology

In Australia, human trafficking and slavery matters have largely involved small crime groups, rather than large organised crime syndicates. These small crime groups use family or business contacts overseas to facilitate recruitment, movement and visa fraud. Human trafficking and slavery matters often also involve or have links to other crime types, including migration fraud, identity fraud, document fraud and money laundering.

Research undertaken by the AIC has shown that offenders convicted of human trafficking and slavery offences under the Criminal Code often share similar backgrounds, experiences and characteristics with their victims. As well as being of the same sex, offenders often share similar cultural, language, socio-economic and migration backgrounds and work histories with their victims. Female offenders may also have prior histories of victimisation.

Human trafficking does not imply illegal entry. The vast majority of suspected victims who have travelled to Australia have done so on a legitimate visa, though visa and migration fraud may later become apparent. Visa and migration fraud occurs in two main forms – the use of legitimate visas obtained fraudulently (for example, where applicants make false claims or use different identities to meet visa requirements) or the use of fraudulent travel documents such as visas and passports. Suspected victims may enter Australia on a variety of visa classes, including visitor, student, partner and temporary work visas. Some visas have expired by the time their holders are located, making them unlawful ‘overstayers’, while the immigration status of others remains lawful.

DIBP maintains various measures to guard and enhance the integrity of visa programmes against visa fraud (including document fraud) and other forms of fraudulent activity used to facilitate human trafficking and slavery. DIBP monitors visa programme trends and integrity and responds to emerging concerns through a measured and targeted approach. Monitoring and addressing suspect activities within visa programmes strengthens the detection, prevention and deterrence of exploitation. The enforcement of migration laws further acts as a deterrent against breaches and illegal activity.

Under the auspices of the National Identity Security Strategy, the Australia Government manages two identity matching services that can assist organisations to check the validity documents provided as evidence of identity. Greater use of these services by NSW agencies could help prevent the use of fraudulent identities in facilitating human trafficking.

The Document Verification Service (DVS) is a secure, online system that enables organisations to verify information on identity documents against the records of the document issuing agency. DVS is used by a range of NSW government agencies such as the NSW Roads and Maritime Service and the Registry of Births, Deaths and Marriages, and private sector organisations such as Telstra and the National Australia Bank. Broader use of the DVS to include, for example, working with children checks is encouraged to strengthen these types of name-based identity checking processes across NSW.

The Face Verification Service (FVS) is a one-to-one image based verification service that can match a person's photo against an image on one of their government records, such as a passport photo, to verify their identity. The FVS was launched in 2016 and provides select Australian Government agencies with access to citizenship and visa images held by DIBP. Other types of images such as passport photos will be added over time, with access expanded to other government agencies. The Commonwealth is currently in discussions with NSW to provide access to driver licence images via the FVS. This will help to enhance the scope of the service, which is primarily designed to use photos contained on identity documents such as passports and driver licences.

On 8 June 2016, the then Australian Crime Commission Board approved the Criminal Exploitation of Australia's Migration System (CEAMS) Special Operation with the aim of identifying, investigating and disrupting serious organised crime groups' involvement in visa and migration fraud. The CEAMS Special Operation also delivers intelligence to support an enhanced understanding of vulnerabilities within the migration system and its impact on Australia and to establish what legislative, regulatory or other vulnerabilities are being exploited or circumvented and reinforce them to prevent ongoing exploitation. A priority area of this Special Operation includes serious organised crime involvement in human trafficking.

Support for Trafficked People Program

The Australian Government provides a comprehensive range of support services for trafficked people through the Support for Trafficked People Program (Support Program), which is administered by DSS. The Australian Red Cross has been funded to provide individualised case management services for the Support Program since 2009. The Red Cross provides a 24 hours a day, seven days a week, 365 days a year national response within all states and territories in Australia. The Red Cross allocates an individual case manager to each client referred to the Support

Program. Case managers are responsible for ensuring the appropriate delivery of support services tailored to meet the client's individual needs.

Red Cross case managers help clients to access a range of support services to improve their mental and physical health and well-being, and to provide opportunities to learn new skills and develop options for life after exiting the Support Program. These services may include:

- case management support
- suitable accommodation that meets the AFP's security and safety requirements
- medical treatment (through Medicare and the Pharmaceutical Benefits Scheme, or as approved)
- counselling
- referral to legal and migration advice
- appropriate skills development training, including English language and vocational guidance, where appropriate, and
- social support.

Clients who have dependent children living with them may receive assistance with arranging childcare, schooling, counselling and medical support. They can also be assisted to access parenting support or education.

The Support Program is divided into the following streams:

- *Assessment and Intensive Support Stream* – intensive support for up to 45 days to all trafficked people referred by the AFP, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence. If the person is not an Australian citizen and does not have a valid visa, they can be granted a Bridging F visa (BVF). The Assessment and Intensive Support Stream provides a recovery and reflection period for trafficked people to assess their options. Trafficked people on the Assessment and Intensive Support Stream have access to the following support as needed: case management support; secure accommodation; a living allowance; an amount for the purchase of essentials such as clothing and toiletries; access to health care, including counselling; access to interpreters; and access to legal and migration advice.
- *Extended Intensive Support Stream* – access to a further 45 days' support for trafficked people who are willing, but not able, to assist with the investigation or prosecution of a human trafficking or slavery-related offence, for reasons including ill health, trauma or practical impediment. This extended period of support is provided on a case-by-case basis and is designed to provide flexibility in the support available to trafficked people. The Extended Intensive Support Stream is automatically available to clients under the age of 18, if it is in their best interests.
- *Justice Support Stream* – longer-term support until the investigation and prosecution of a human trafficking or slavery-related matter is finalised. On the Justice Support Stream, clients have access to the following support as needed: assistance with securing longer-term accommodation; assistance to purchase essential furniture and household items; access to Medicare and the Pharmaceutical Benefits Scheme; access to legal services and interpreters;

assistance to obtain employment and training (including English-language training) if desired; links to social support; as well as case management support.

- *Temporary Trial Support Stream* – intensive support (similar to that provided under the Assessment and Intensive Support Stream) for trafficked people giving evidence pertaining to a human trafficking or slavery-related prosecution. Clients are entitled to short-term accommodation and a weekly living allowance.

There is also a 20-day transition period for trafficked people leaving the Support Program.

Eligibility for the Support Program is determined by the AFP and is based on whether a person is, or may have been, the victim of a human trafficking or slavery-related offence. The person must also be an Australian citizen, or hold a valid visa. Between 2004 and 1 February 2017, the AFP referred 330 suspected trafficked people to the Support Program. The Red Cross took over delivery of the Support program in March 2009. Since then, the AFP have referred 243 people to the Support Program, comprising 117 people (all female) exploited in the sex work industry, and 126 (30 m /96 f) subject to exploitation outside the sex work industry. Of this latter group, 31 were identified as being in, or at risk of, a forced marriage.

Human Trafficking Visa Framework

The Government's comprehensive Human Trafficking Visa Framework, administered by DIBP, enables foreign nationals who do not already hold a valid visa and are suspected victims of human trafficking or slavery to remain lawfully in the Australian community. Like Australian citizens and other valid visa holders who are suspected trafficked people, they are then able to access support through the Support Program.

The Human Trafficking Visa Framework comprises two visas:

- *Bridging F visa (BVF)*: a person assessed by the AFP as a suspected trafficked person may be eligible for a BVF for up to 45 days for an initial period of rest and recovery. A BVF can also be granted to immediate family members in Australia. There is also an option to grant a second BVF for a further 45 days (making up to 90 days available) for additional rest and recovery.

If a trafficked person is required to remain in Australia to assist authorities with an investigation or prosecution, another longer-term BVF can be granted for the duration of the criminal justice process. People granted this BVF are permitted to work. These BVF holders may depart Australia and re-enter, provided they are still required to assist authorities with the criminal justice process. Prior to 2015 reforms to the Human Trafficking Visa Framework, trafficked people participating in a criminal justice process were generally granted Criminal Justice Stay visas (CJSVs).

- *Referred Stay (Permanent) visa (RSV)*: a trafficked person may be eligible for a RSV if they have made a contribution to, and cooperated closely with, an investigation into a human trafficking, slavery or slavery-like offence, and would be in danger if returned to their home country. This visa allows the holder to remain in Australia permanently, and immediate family members may be included in the visa application. Prior to July 2015, the RSV was titled the Witness Protection (Trafficking) (Permanent) visa (WPTV).

Between 1 January 2004 and 31 December 2016, DIBP granted 282 BVFs, 211 CJSVs, 137 RSVs and WPTVs to suspected trafficked people and immediate family members.

Building partnerships with the community and providing practical support for non-government organisations to address human trafficking and slavery in Australia

The Australian Government is committed to building and maintaining strong relationships with our non-government partners, including through the National Roundtable on Human Trafficking and Slavery (National Roundtable).

The National Roundtable is an important consultative mechanism between Government, NGOs, business and industry, and unions, with a focus on emerging issues relating to human trafficking and slavery in Australia and beyond. Since 2008, the National Roundtable has been convened annually by the Commonwealth Minister responsible for human trafficking and slavery. The National Roundtable Senior Officials' Meeting is a less formal meeting also held on an annual basis to supplement the ministerial-level National Roundtable.

Working with NGOs, including those from a range of backgrounds and philosophies, is an important aspect of the Australian Government's strategy to combat human trafficking and slavery. NGOs play a key role in identifying and supporting trafficked people, as well as raising awareness of all forms of human trafficking and slavery in Australia.

Since 2008, the Australian Government has committed more than \$3.8 million to support four NGOs in their efforts to combat human trafficking and slavery. Anti-Slavery Australia, Australian Catholic Religious Against Trafficking in Humans (ACRATH), Project Respect, and Scarlet Alliance use this funding to provide outreach for trafficked people and conduct education and awareness-raising initiatives on human trafficking and slavery issues. Between 2011-13, the Australian Government also awarded almost \$500,000 to the Australian Council of Trade Unions, the Australian Hotels Association, Asian Women at Work, the Construction, Forestry, Mining and Energy Union, and the Red Cross to undertake projects to combat labour exploitation in Australian industries.

In 2014, the Australian Government awarded a total of \$485,925 in further funding to three specialist NGOs over three years to progress outreach, education and awareness-raising activities on forced marriage issues. Anti-Slavery Australia received \$355,393 to develop and administer a dedicated website to provide people in, or at risk of, forced marriage with information, advice and links to support services. The website, *My Blue Sky*, was launched on 25 November 2015 and also includes a helpline and a free legal advice service primarily delivered by text message and email. ACRATH received \$61,000 to develop a unit of work and resource kit for teachers, school support staff and students in pilot schools across Australia. The Australian Muslim Women's Centre for Human Rights (AMWCHR) received \$69,532 to develop a pilot education and training program aimed at increasing the capacity of frontline organisations in vulnerable communities.

Training for Australian Government officials

The Australian Government invests in training programs for law enforcement, immigration compliance and Australian diplomatic and consular officials overseas to ensure they are equipped to recognise the indicators of human trafficking and slavery and to respond appropriately.

The AFP runs an annual Human Trafficking Investigations Course that is designed to advance expertise in areas critical to the successful investigation of human trafficking and slavery, including legislation, investigative methodologies, and victim liaison and support. The course is funded by the AFP and includes training sessions run by NGOs and other government agencies. Since 2004, more than 100 investigators have completed the course, from agencies including the AFP, DIBP and state and territory investigators from all jurisdictions. Two Human Trafficking Investigators Courses are scheduled for 2017.

The CDPP regularly liaises nationally and regionally with a variety of agencies involved in the criminal justice response to human trafficking and slavery, including the AFP, state and territory police, DIBP, and Australian Border Force investigators. The CDPP provides training to these agencies and their investigators in relation to issues arising in the investigation and prosecution of human trafficking and slavery-related cases, including at the Human Trafficking Investigations Course.

DIBP provides training on human trafficking indicators to staff across the department, with a particular focus on field officers and Human Trafficking Contact Officers of the Australian Border Force, in order to equip them with knowledge to better detect and support suspected trafficked people. Training is also provided to officers who are due to be posted to work in the DIBP's overseas network. Additional briefings are often given to those being posted to human trafficking source countries from where Australia is targeted as a destination country.

All DFAT officers who are posted overseas are required to report any information relating to the possible or attempted commission of serious extraterritorial offences under Australian Law including human trafficking. This ensures that, where appropriate, such matters are referred to Australian law enforcement authorities. Prior to being posted, diplomatic and consular officials receive training on the management and referral of cases involving forced marriage.

International engagement to address human trafficking and slavery

Australia continues to work at the bilateral, regional and multilateral levels to tackle human trafficking and slavery in all its forms. In particular, Australia is internationally recognised as a leader in combating human trafficking and slavery in South East Asia. Over the past decade, Australia has invested significant resources to improve the capacity of partner countries' criminal justice sectors to tackle these crimes, including through the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process). Through the aid programme, and in particular the Australia-Asia Program to Combat Trafficking in Persons, Australia works with partner governments to strengthen national and regional criminal justice responses to human trafficking, enhance regional cooperation and promote gender and victim sensitive approaches. Australia's aid programme also seeks to promote safe and legal migration within the region and combats key factors which make people vulnerable to exploitation, such as poverty and a lack of education or employment.

AGD operates in partnership with AFP and CDPP in engaging with international organisations, including visiting international delegations interested in learning from Australia's criminal justice response to human trafficking and slavery. This includes conducting training in an international context, including bilaterally with partner governments' law and justice agencies, and through regional Bali Process workshops. It also includes participation in international conferences, such as those arranged by United Nations Office of Drugs and Crime.

I trust this information is of assistance, and would be happy to assist the Committee by providing additional detail as required.

Yours sincerely

Chris Collett
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