

**REPORT ON PROCEEDINGS BEFORE**

**SELECT COMMITTEE ON HUMAN TRAFFICKING**

**CORRECTED PROOF**

**At Jubilee Room, Parliament House, Sydney on Monday, 6 March 2017**

**The Committee met at 10:00 am**

**PRESENT**

The Hon. Paul Green (Chair)  
The Hon. Greg Donnelly  
Dr Mehreen Faruqi  
The Hon. Trevor Khan  
The Hon. Natasha Maclaren-Jones  
The Hon. Matthew Mason-Cox  
The Hon. Ernest Wong



**The CHAIR:** Good morning and welcome to the first hearing of the inquiry into human trafficking. The purpose of this inquiry is to examine the role and the effectiveness of New South Wales law enforcement agencies, legislation and policies in responding to human trafficking. Before I commence I acknowledge the Gadigal people, the traditional custodians of this land. I pay respect to the elders past and present of the Eora nation and extend that respect to other Aboriginals that may be present or listening online today. Today we will hear from Mr John McCarthy, QC, the NSW Police Force, the Walk Free Foundation and Anti-slavery Australia.

Before we commence I will make some brief comments about the procedures for today's hearing. Today's hearing is open to the public and is being broadcast live via the Parliament's website. A transcript of today's hearing will be placed on the Committee's website when it becomes available. In accordance with the broadcasting guidelines, while members of the media may film or record Committee members and witnesses, people in the public gallery should not be the primary focus of any filming or photography. I remind media representatives that they must take responsibility for what they publish about the Committee's proceedings.

It is important to remember that parliamentary privilege does not apply to what witnesses may say outside of their evidence at the hearing and so I urge witnesses to be careful about any comments they make to the media or others after they complete their evidence as such comments will not be protected by parliamentary privilege if another person decided to take action for defamation. The guidelines are to be found at the back of the room or through the secretariat. There may be some questions that witnesses could answer if they had more time or had certain documents to hand. On these occasions witnesses are advised that they can take the question on notice and provide an answer within 21 days. The secretariat will assist.

I remind everyone that Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege. I request that witnesses focus on the issues raised by the inquiry terms of reference and avoid naming individuals unnecessarily. To aid the audibility of the hearing I remind Committee members and witnesses to speak into the microphones. In addition, several seats have been reserved near the loudspeakers for persons in the public gallery who may have hearing difficulties. I ask members and people in the public gallery to turn their mobile phones off or set them to silent.

**JOHN MCCARTHY**, QC, former ambassador to the Holy See, sworn and examined

**The CHAIR:** I welcome Mr John McCarthy, QC. Thank you for coming today. The Committee believes you will lay a good foundation today and we welcome any statement or suggestions concerning resources. Members may interact with you as you progress.

**Mr McCARTHY:** I am grateful for that, Mr Chairman. I had been anticipating that I might be able to speak for about 10 minutes and the matter would then be open to questions from the Committee. Could I inquire of the Committee whether the short curriculum vitae I circulated has reached everyone?

**The CHAIR:** Yes.

**Mr McCARTHY:** I tried to tell something about matters of the Holy See and give some of my background there. Secondly, could I inquire whether all the Committee members received two documents. One is headed "United Nations General Assembly. Resolution adopted by the General Assembly on 25 September 2015. 'Transforming our world: The 2030 Agenda for Sustainable Development'."

**The CHAIR:** Yes, we have.

**Mr McCARTHY:** If Committee members would be so obliging, I would like you to mark this so that I can come back to it. I will be taking you in particular to page 20 of 35. Thirdly, there is a document called "Indicators and a monitoring framework", which is a reference to a United Nations [UN] website, but it has in the middle "target to take immediate effect and effective measures to eradicate forced labour". Do all the Committee members have a copy of that?

**The CHAIR:** We do, yes.

**Mr McCARTHY:** There is a series of other documents that are also coming. Chairman and members of the Committee, I come before the Committee at the invitation of the chairman. This invitation followed a conference with him, also at his invitation, after he learned of my service at the Holy See and my involvement with anti-trafficking initiatives during that period. After our conference, which was mainly concerned with the evaluation of modern slavery in human trafficking as a central international issue and the prominent role of Pope Francis and the Holy See in engaging with the scourge of human trafficking, I was also able to provide your chairman with contacts at the UN, at the United States Congress and elsewhere in the United States for his forthcoming study tour.

The chairman requested that I come and speak to you and said he would make arrangements with the Committee as to contact, which of course has happened. I have surmised that your chairman wanted me to recount what I had informed him about the provisions of the UN sustainable development goals, otherwise known as the SDGs—and chairman, if I may, I will refer to them in future as the SDGs rather than continuously say the sustainable development goals—adopted unanimously by 193 countries on 25 September 2015, which was indeed the very day on which Pope Francis was in New York and addressed the United Nations.

The SDGs provide, through a late amendment, which I will be taking you to—8.7—reference to modern slavery in human trafficking. This had been strongly supported by Pope Francis and his advisers. If you would just take the document indicators and look at that. I have other things to say but I just want to round out this section by saying that the SDGs are the successors to the millennium goals which were adopted by the UN in 2000, the beginning of this century, for the period 2000 to 2015, which had to do with poverty, hunger, health—a series of eight points for which there was enormous progress over those 15 years and thereafter there was a background in which the UN, through its various agencies and committees, determined that there should be a successor to the millennium goals and that they should be built around the concept of sustainable development.

Sustainable development in brief is development at any time in any given generation in such a way that does not preclude or determine decisions about development by future generations. There are other definitions that come about but that is what is said to be sustainable development. What is being got at when we are talking about sustainable development is using up completely some resource, not that there is an enormous number where that happens. But to revert, there is a whole vision about our world that is tied up with the sustainable development goals and they are in the unanimous agreement of 193 countries—an extraordinary example of a consensus in terms of a minimum vision as to where the world might go.

As I said, they were evolved over a period of three years. Through most of that period there was no clause in the document that related to modern slavery in human trafficking and that only became a part of the overall scheme in 2015, in the last session of August 2015 before the closure of the debate. I had been interested

in this issue throughout all of my watch but particularly in 2014 and 2015 and I can say, having spoken to the chairman of the secretary-general's subcommittee on the sustainable development goals that the consensus in New York and elsewhere was that the agreements had already been set in about the draft and that the draft could not be amended. This was in 2015.

But that was not a view that Pope Francis and his advisers in Rome, or Kevin Hyland, the British Anti-Slavery Commissioner and his advisers in London, adopted. Through an effort in 2015 in respect of parties that were voting on this particular matter, an amendment moved by the unlikely combination of Argentina and Britain put forward what is now 8.7 and it was carried at the very end, so that the world had many things as a result of this but one was we were saved the immediate embarrassment in our own generation that we agreed to a set of sustainable development goals that did not even call for the eradication of modern slavery in human trafficking, which would have been an enormous international embarrassment if that were the case. The fact of the matter is that became a part of the development goals and those goals were adopted by the General Assembly, as I have said, on the very day that Pope Francis visited the UN on 25 September 2015.

**The Hon. MATTHEW MASON-COX:** How did it get to the point where there had to be a last-minute intervention to get 8.7 on the books? Why had this been missed?

**Mr McCARTHY:** It had not been. As with many of those international bodies, there are committees that are doing drafts of various things. This goes back to 2012-13. They had major issues in relation to things that you would understand—poverty, hunger, health, education and so on—and there were a whole series of proposals that were being put. The issue about child soldiers and child labour was raised. However, when the issue about modern slavery and human trafficking was put, there emerged, apparently, an informal coalition that included a majority of countries of the UN that were not prepared to support an amendment to put this in. Managers were arguing that, "If we let this go, there is a whole series of other people over here who all want amendments to be put in and we will never get any sustainable development goals at all and the whole thing will collapse." I can say that it was put to me directly as a proposition by the chairman of the subcommittee that there was a view that this could lead to a collapse of the whole thing, and that is the background to this.

There were other people who were proposing this but in 2015 Pope Francis was into the third year of his pontificate. As many had observed, since the death of Mandela he had become the moral leader in the world. He was associated with the anti-slavery cause. He is the most insistent—indeed, various people use the word "incessant"—campaigner on this particular issue of any world leader. There is only person at that level who one could say meets and matches him. There are many important leaders who are associated with this but the two that I want to emphasise today are Pope Francis and the British Prime Minister, Theresa May, who is the sponsor of the British Modern Slavery Act that went through in 2015. In terms of overall stature and speaking, I would commend Theresa May very strongly to this Committee as being an outstanding voice in our time and a worthy successor in the whole British tradition that goes back to Wilberforce and Clarkson. Chair, I would hope that as somebody chairing committees you might be able either to persuade the Government to invite her to come to Australia to speak on these issues as a guest here or to urge the Commonwealth to do such a thing, to have a British Prime Minister come to Australia to speak on these issues.

I want to make these points about my time in Rome. I do not come before you to advocate in any particular detail for a whole series of matters that submit a view or laws in relation to trafficking here in Australia. You have a whole series of other submissions that involve that. My direct experience with this was as the Australian ambassador at a time and in a place where there was major movement by Pope Francis that resulted in this issue becoming one of the most important civil rights and human rights issues in the world. Could I just put it this way: when I went to Rome in 2012, this issue was written very heavily into my instructions about working on the anti-slavery cause at the Holy See. I read background on the material, I started to talk to people in Rome, I spoke to people in the diplomatic corps and in the Curia in relation to this, and I was told this: that the previous 12 years, the beginning of this century, had seen a great growth in resources worldwide against slavery and against human trafficking. They had built up.

But research and other matters that were also built up at this time kept raising the size of the issue so that at the end of the decade we were in a situation where, while there were many more resources both in terms of international protocols—the most famous is the Palermo protocol that is the anti-trafficking protocol of 2000 from the UN—that background accompanied a political perspective that was this: There are a number of major human rights, human existence issues that are in a top section of world attention. Two that are most obvious to you and to all of us are poverty and hunger.

It was a general belief at the beginning of 2011-12 that the anti-trafficking issue had not quite got there. It had not broken the seal and got through as the top issue. Serious people described to me issue fatigue over this and that getting and continuing to attract attention was difficult. That was transformed in 2013-14 by Pope

Francis. He arrived from Buenos Aires as someone who had taken a long-term interest in this issue as the Archbishop of Buenos Aires. He knew much about trafficking in Latin America because, regrettably, Buenos Aires is a hub of trafficking. Some of the strongest speeches that he ever gave were against trafficking.

It was there, and I think you have all heard the words in different part, where he talks about the open wounds of Christ, where he talks about this is, once again, the flogging of the saviour—having a whole approach to human trafficking was something that he took to Rome with him. Within two weeks of his accession to the papacy, he had written to the Chancellor of the Papal academies, Monsignor Sanchez Sorondo, also an Argentinian, to say to him, "I want something done about human trafficking."

Famously, in Europe he wrote all this—he has got a very neat little hand that he writes in, his handwriting—Bishop Sanchos has written to him a congratulatory letter, of course, on his becoming the Holy Father. He opened and read it, he took the envelope and he turned it over and he wrote on the back of the envelope "Marcelo, human trafficking, I want something done about it" and it is signed Francesco over that. He was speaking about this issue within weeks and he has never stopped from that time. He has been an instigator of discussions with the Archbishop of Canterbury, Justin Welby, about this. It is a matter of note that the Pope and the Archbishop of Canterbury were both elected in the same week in 2013, and when they first met one of the first subjects that they discussed together—and, indeed, I have had long discussions with Justin Welby in relation to this, with His Grace—as a base of ecumenical cooperation, was the issue of modern slavery and human trafficking and how they could work together.

There was a international conference at the headquarters of the papal academies, Casina Pio IV—one of the most beautiful places in Europe—in the gardens of the Holy See, in November of 2013. I was present at that. Leadership right across the world in the anti-slavery cause were all gathered there. That had included Australians: our most notable academic in this area and practitioner Dr Anne Gallagher—who I understand has been invited to address the Committee—who was present and spoke, the representatives of Walk Free and others. In 2014 the Pope encouraged a whole series of committees and associations trying to work through this, including various relationships with Walk Free and Andrew Forrest. All of this culminated on 2 December 2014 in the global religious leaders statement against modern slavery and human trafficking, in which they pledged their communities to work together against what was a long list of what was a great affront to dignity, the scourge of human beings, that this amounted to.

**The CHAIR:** Excuse me, Mr McCarthy, I am just noting that we have gone half an hour. What I would like you to do, if you could, is to maybe focus on some of those solutions that those bodies came up with because I want to make sure we get those in for our consideration and recommendations. Members may want to start to ask some questions as well.

**Mr McCARTHY:** Could I just conclude what I was saying?

**The CHAIR:** Yes, by all means.

**Mr McCARTHY:** The two other things that came: in 2013 it was the Pope who declared human trafficking to be a crime against humanity, and that was adopted by the other religious leaders in 2015. He was one of those that was principally involved with various moves that led to 8.7 being adopted and he has spoken very favourably about 8.7 as being a very important advance for the whole world.

In world terms, as well as that effect upon world opinion, at the same time there was movement through Britain, through the British Parliament, of an enormous revival of interest in what can be done—there were some very damaging disclosures in Britain of human trafficking and forced labour that touched a nerve in Britain that was enormous. The Wilberforce tradition still lives in England and that brought about a situation where there were a series of parliamentary inquiries appointed by the then Home Secretary Theresa May that led to the new British anti-slavery Act. Now I say that because I want to point out three features of this that I think should be thought about in Australia. That Act consolidated a whole series of anti-trafficking provisions. Secondly, that Act addressed directly the issue about exploitation through goods and services and the role of slavery in the supply lines of goods and services that were sold in Britain. It introduced a regime whereby it would be required of corporations over a certain size to report on the steps that they had taken to be able to certify that they had slavery-proofed their supply lines and that they had done that and that this was put in a public place.

This became a matter of enormous consequence because it became more and more clear through the decade that there was forced labour and exploitation in a whole series of countries. In 2012 the figure that was thought to be involved was about 21 million involved with human trafficking and forced labour. Later reports have now put the figure out to a very high sum of something like 40 million. That was a reporting requirement. The second thing that was done was the establishment of an anti-slavery commissioner. The British Parliament

appointed a senior officer of the Metropolitan Police, Kevin Hyland, who had been involved in anti-slavery work for some time, as the Independent Anti-Slavery Commissioner to keep the police forces and other departments of state accountable and to account to Parliament for the progress of that. He has become one of the world figures in all of this and he has given enormous status and thrust to the British position in relation to this worldwide and he is regarded as one of the key figures in this. It is also the case that, through him, Britain took a very large part in the negotiations and campaign in 2015 that led to 8.7 of the United Nations goals. Kevin Hyland, I understand, is coming to Australia at the end of March or thereabouts, and if the Committee made inquiries it may be that either formally or informally there may be prospects of being able to meet him while he is here. I would urge it strongly to do so.

I want to draw your attention to the fact that Kevin Hyland is one who interprets 8.7 to mean that for the period for which the goals have been adopted until 2030, that in that context you are to see 8.7 and that what you are looking at from hereon is immediate and effective measures to eradicate forced labour in modern slavery and human trafficking. Chairman, what I had put to you and what I suspect you wanted me to say here is that I believe that that is a framework in which the Committee should consider its deliberations and its overall work. That is, Australia is committed in the context of the sustainable development goals to take immediate effective action to eradicate forced labour and modern slavery and human trafficking, and the other things that are in 8.7, but of course they do not bear as much upon Australia.

I submit and urge the Committee to consider all its work is directed to that definite goal—facilitating as much as is in your capacity the achievement in Australia and throughout the world the objectives of 8.7 of the sustainable development goals [SDGs] in all its parts by 2030, that you ask everyone who comes before you, "Are you aware that Australia is committed to the eradication of modern slavery and human trafficking? Where does your submission stand in relation to that? How do you view that we should best bring this about?" For instance, the Commonwealth has a national plan in relation to combating modern slavery and human trafficking. I have it here. I think it has probably been made available to you—not through me, but in other sources. That plan is 2015 to 2019. Rightfully, it does not refer to 8.7, because 8.7 had not been passed at the time. In relation to any revised national plan, or a national plan from 2019 onwards, it is legitimate to inquire and ask the Commonwealth where it stands on 8.7. It adopted it on behalf of Australia; where is it going to be reflected in the report? Let us see what the national plans are going to be if what we are doing is not, as the document says, combating—combating—human trafficking and slavery but eradicating human trafficking and slavery.

There is a series of things that I would submit, chairman, that flow from this that the Committee may also have in mind. I believe that it has an outlook that ought to be adopted. I have talked about that what is at the back of your minds and at the front of your minds in dealing with this is that you are looking for proposals all the time that will assist the eradication of modern slavery and human trafficking. In Australia, the Committee should consider and propose effective measures to eradicate forced labour and modern slavery. It should work with a worldwide consensus supporting it as leaders here in the generation that will eradicate this vile scourge and affront to human dignity from our community and that it explicitly and intentionally work towards that end, that this is the generation that will take out modern slavery and human trafficking. There comes a time, chair, and Committee members, when this should end, like there came a time when the slave trade stopped as a result of what Wilberforce had done. There came a time when slavery was abolished in the British empire. There was a day when there were no slaves thereafter.

I am not saying in relation to this that the situation is exactly the same as chattel slavery. Of course there will always be police and other measures in relation to crimes that we all know that the price of freedom is eternal vigilance. However, there is going to come a time, if we go through these things in a proper way—and it does not cost massively—when you can tell the community that they should be satisfied that the community is on top of all these issues, that we do not have any significant levels of these things as a part of our life. In that way, you will join Pope Francis and the British Prime Minister in believing that this objective can be achieved and should be achieved in the years immediately ahead. Maybe not tomorrow or next year, but with the political will that can be mustered and with the assistance of providence, this can be finished before the end of the next decade. Most members here will live to see that day and you will be able to rejoice in the part that you played in bringing that about.

**The CHAIR:** Mr McCarthy, I note that we have 15 minutes to go.

**Mr McCARTHY:** I will stop there.

**The CHAIR:** We will ask some questions.

**Dr MEHREEN FARUQI:** Mr McCarthy, thank you very much for coming here to give evidence. I participated in the 2012 Rio+20 conference on sustainable development.

**Mr McCARTHY:** Splendid.

**Dr MEHREEN FARUQI:** I appreciate the complexity of developing sustainable goals. My questions are specific to your time as Ambassador of the Holy See and some of the initiatives you were interested in so far as slavery proofing, which is some of the work that the Vatican does. I recall reading somewhere that you mentioned an announcement made by George Pell about the Vatican's plans to slavery proof its supply chains.

**Mr McCARTHY:** It has happened.

**Dr MEHREEN FARUQI:** Could you give us a few examples of how it has happened so that the New South Wales Government can look into their supply chains as well and how to make them more ethical?

**Mr McCARTHY:** What I can say is that I spent the last few months, amongst other things, while I was ambassador, trying to persuade various Vatican officials, particularly Pell, who is the prefect for the economy, that this was an important step for Pope Francis and the Holy See, that they ought to be able to proclaim to the world and to the church that they are prepared to slavery-proof their procurement and to move as an example on this. They made the announcement in the weeks just prior to my leaving. What I understood was happening was that there were a series of experts on this including Kevin Hyland who were being consulted, that this would take the form of amendments to procurement guidelines and ethical practices, that this would also take the form of a relationship with their contractors and they would be seeking various guarantees from their contractors that whatever goods were being obtained had not to their knowledge had any slavery component to it.

**Dr MEHREEN FARUQI:** You were also involved in the creation of the Global Freedom Network, I understand, which had the very ambitious goal of completely eradicating slavery by 2020. What are a few of the initiatives under that network and what barriers have you faced in meeting that target?

**Mr McCARTHY:** I was significantly involved with the Global Freedom Network in 2014. It has as a very major achievement the global faith leaders declaration. That was a very significant moment for the anti-slavery cause and for ecumenical and interfaith cooperation. There are a number of problems in all these areas. I think the basic one is that we are all very enthusiastic and passionate about trying to get things done and that leads often to a level of impatience that leaves a real space for misunderstandings and incomprehension as to why people are doing things in various ways. I think that that can be a serious trouble. Different languages, different faiths and different community experiences are things that have to be thought about all the time as to how these things can be brought together. It can happen—that is what the declaration demonstrated—but it is not easy to get that done.

**Dr MEHREEN FARUQI:** Thank you.

**The Hon. ERNEST WONG:** Can you give us a bit of a snapshot as to whether there are any censure measures at an international level against those countries that are experiencing the worst human slavery issues? Is Australia part of it?

**Mr McCARTHY:** Australia is not regarded as such. The major shame document, if I can put it that way, of things that you are going to hear about over the next few months is the United States' Trafficking in Persons Report, the TIP Report. It has three categories of people: those who are good, those who are satisfactory and those who are awful. To be in the awful section of the TIP Report can affect your foreign aid with the United States. Countries take steps to try to overcome that. Yes, that can be influential. Australia has always been in the top category.

We are a country which has only a minimum of these issues. They are important in themselves and there are people who are suffering but I do not believe it is something that is on a huge scale. Secondly, in Australia it is something that has got to be taken care of but in world terms we are regarded as what is called a tier 1 country. We are a country that has laws, policies and programs that try to suppress modern slavery and human trafficking. We are not one of the countries that is regarded as a huge problem in relation to this as, for instance, are various countries in Africa and some of the Asian countries.

**The Hon. MATTHEW MASON-COX:** Thank you, Mr McCarthy. You have given us a very interesting foundation to work from. I am particularly interested in the British anti-slavery Act of 2015. Whilst as a State Parliament we are obviously part of the Federation, there are things we can do in our own organisations and agencies. What are your thoughts on the Commonwealth's responsibilities and whether we are doing enough in relation to something akin to the appointment of an anti-slavery commissioner, supply lines at a Commonwealth and a State level and pressure that we can apply in that regard, but also practical things that we should consider as a State government in harmony with all of that?

**Mr McCARTHY:** The first thing that should be reported on is that you want the State to take the strongest possible position in relation to the Federal inquiry on the Modern Slavery Act and that the Government should be proposing as a priority to support that, including all the key measures that are involved with that. I do not know where all of that is going to go. I just say this: you are representatives of the principal State of the Commonwealth of Australia. You are also in probably the greatest city in the Southern Hemisphere and certainly a city that is known all over the world. What happens here is important both for the Federation and for world affairs.

I would hope this Committee would give very serious consideration to this: that you put to the State Government that regardless of what may or may not come—and it can be dovetailed into it—the State Government proceeds to slavery-proof their supply lines. You are the single biggest procurer in New South Wales. You have the resources to be able to call in a whole series of people to say, "How do we go about this?" and, "We want to do it." You do not even need legislation for that. That can be an executive order—an order in council—that that can be carried through. The second matter is combined with this and it is something that I hope you might explore.

I believe that—as the Parliament that represents the largest section of the Australian people, with an administration under your control that has the largest police force and resources in the country, and that is consistently mentioned with respect to issues concerning modern slavery and human trafficking—this Parliament and this Government would see this as the high profile issue for the State. This could express itself—it would not need legislation—in the appointment of the equivalent of an anti-slavery commissioner for New South Wales, who you would want to be someone of experience and vision, who would work consistently on this problem for the six-plus million people of New South Wales, and who would negotiate and liaise with the Commonwealth and would deal with the police, and put the case in a much stronger way.

When you hear evidence from the Commonwealth and when you go through the Commonwealth documents, look closely at how much reference there is to anything in respect of State representatives being involved, or what the discussions are in relation to what is happening with the State et cetera. I think a much stronger case can be made—particularly over policing issues and things like approaches to the public through agencies. After all, this Parliament—the Government running this Parliament—conducts the biggest school system in the country. Indeed, there have been arguments that it is the biggest school system in the world. If you are going to get to people you will get to them through that. That is the second thing I would say to you.

The third thing I would say is that the State Government may wish to be at the centre of, or a sponsor of, a very extensive campaign in relation to bringing to the public's attention the whole question of exploitation in clothes and food and so on, and moving towards a regime where, if your goods are slavery free, you get a green button on them. Everywhere, people would look for the green button, and if it is not—

**The Hon. MATTHEW MASON-COX:** Maybe not green. That might be a bit too environmental, but I understand—

**Dr MEHREEN FARUQI:** Why don't you like us?

**Mr McCARTHY:** Sorry. I am Irish by background. The first thing that occurred to me was green. All I wanted to say is that I believe that leadership is needed.

**The Hon. MATTHEW MASON-COX:** And that we can provide that leadership.

**Mr McCARTHY:** Those are the points I wish to make. The other is simply the openness to this of understanding that this is one of the most vile issues that you confront. You are dealing with the poorest of the poor and the most vulnerable here. This is not a sentiment; this is a fact. You are standing in a tradition that goes back to Wilberforce and others. This is one of those sorts of issues for which there is a need for political will and—as the Pope is always saying; and as many in the field say—of spiritual and moral leadership. There is not going to be a technical fix on this particular issue. It will need everything. I would like to conclude by reading to you the views of Theresa May—I have had this distributed—in what is the best speech that was delivered when I was in Rome on these issues. She finished by saying:

The chains of modern slavery may not often be visible, but the suffering is real. This is a moment when together we can take a stand against this evil.

In his Apostolic Exhortation *Evangelii Gaudium*, His Holiness Pope Francis denounces modern slavery and human trafficking and makes the call: "Let us not look the other way."

Your Holiness, the people here and many more around the world, will look straight into the eye of this crime and we will do everything in our power to free the vulnerable people who find their lives so cruelly stolen from them.

**The Hon. TREVOR KHAN:** I notice goal 5 of the sustainable development goals relates, at 5.3, to the elimination of harmful practices, including early and forced marriages and female genital mutilation. When

we are considering the issue of human trafficking, should we include within our considerations issues of forced marriage of children?

**Mr McCARTHY:** Yes.

**The Hon. TREVOR KHAN:** Should we also, in the context of considering the issue of slavery and human trafficking, consider the issue of organ donations?

**Mr McCARTHY:** Yes.

**The Hon. TREVOR KHAN:** Have you any idea whether, in the goals, anything is included with regard to the issue of forced human organ donation?

**Mr McCARTHY:** I believe it is there; I just do not recall the clause offhand. If you would give me leave I will see that a note is sent to you.

**The CHAIR:** If you could take that on notice that would be great, because it is something that we are looking into.

**The Hon. TREVOR KHAN:** In referring to what New South Wales can do legislatively—taking into account what we did and notwithstanding my views on the matter with regard to international surrogacy arrangements—it seems to me that we still have a power to make extra-territorial laws with regard to some matters.

**Mr McCARTHY:** You do.

**The Hon. TREVOR KHAN:** I did not have a legal problem with that; I just had a certain moral issue with regard to what we did on the surrogacy issue. However, we will put that to one side. It seems to me that one of the areas where residents of New South Wales are engaged, potentially, is with respect to issues relating to the movement of children out of New South Wales and the movement of children into the State for the purposes of marriage and, similarly, potentially engaging in practices relating to organ donations, where the provider of those organs may not be a willing participant in the exercise. That would be about right, would it not?

**Mr McCARTHY:** It would be.

**The Hon. TREVOR KHAN:** Can you think of any other areas of slavery and human trafficking of that sort of specific nature to which we should be turning our minds?

**Mr McCARTHY:** The whole forced labour issue—it has come to be seen as the expansion of what is involved with trafficking; not just in respect of the sex industry but wider again—

**The Hon. TREVOR KHAN:** That is the problem, is it not? When we talk about this there seems to be an almost default position that we are talking about the sex industry. What we are talking about is much wider.

**Mr McCARTHY:** There are a whole series of issues, but I think it would be safe to say that, at an international level, there is certainly a strong awareness that the sexploitation—as it is called—is enormous. The International Labour Organization says that modern slavery and human trafficking is a \$150 billion industry, of which \$90 billion is tied up with sexploitation. That leaves \$60 billion or \$70 billion that is tied up with other things. The second thing is that the numbers that are involved are not enormous in relation to our country; they are in relation to a series of other countries. It is a growing problem, and the investigation of it should be encouraged. If we are talking about the eradication of modern slavery, human trafficking and forced labour that must be something that is part of it.

**The Hon. TREVOR KHAN:** One final thing, we talked about Australia being in the top tier, that is, least responsible for issues of slavery and human trafficking. Could I put to you three examples, perhaps somewhat historic, but within your lifetime and mine, where we have not been so flash in these areas. The three that I can think of are in the area of forced adoption, the removal of children from Aboriginal parents because of the aboriginality of the mother, and the issue of forced labour in the context of the Aboriginal community. Those are areas in which various institutions, governmental and non-governmental, were involved and all of them could be defined as involving human trafficking.

**Mr McCARTHY:** They certainly could, exploitation and deprivation of freedom. Anything that has that level of deprivation of a person and treats human dignity with disregard is a part of the whole slavery and human trafficking issue.

**The Hon. NATASHA MACLAREN-JONES:** In your opinion is there a problem in the area of child adoptions from overseas and the trading or selling of a child to an orphanage who is then adopted by a person without its knowledge?

**Mr McCARTHY:** I do.

**The Hon. NATASHA MACLAREN-JONES:** Is there a problem within Australia?

**Mr McCARTHY:** The whole surrogacy issue has exploded in this area as being one of the new forms of trafficking. There is significant literature and writing. One of the things that still remains true, is all roads lead to Rome and if you stay in Rome long enough you meet everybody. I met a series of people tied up with the campaign in the United States against surrogacy trafficking and believe in most of its international aspects it has those characteristics about it. All these arguments about contracts is fine, but it is an offence in relation to trafficking to do what you are doing. The fact that you are alive to this is something, with respect, that you should follow through and have more detail about what is happening in relation to Australia.

To stop slavery one of the things that you can do is end the whole feeling of impunity that many traffickers have. Those that engage in forced labour or slavery activity do it because they believe they can get away with it and they will not be found or prosecuted. If that impunity is removed they are not courageous enough to be around and you will drive them out of business. The second is to remember that at the bottom of all of this is violence. Someone is going to be met with threats or in a direct way.

**The Hon. ERNEST WONG:** With regard to human trafficking do you think it is all profit driven or is there a cultural aspect? One of the submissions says there are forced marriages and even though it is not profit driven it is slavery as well. How do we look at that aspect?

**Mr McCARTHY:** Exploitation for profit is usually taken as the most predominant reason why people do these things. But, you are quite correct, there are areas where that becomes obscured and the best example is the one you have given, which is forced marriages. There are people who genuinely believe that this is their culture and milieu and the way things should go on. Others would have a different view within their own community. Others would have a view from outside the community that this is simply improper, particularly in a society such as ours. If someone was brought in we would regard that as being trafficking they will be put in a status and forced to do things they do not want to do. For something as fundamental as marriage that is as serious as one could go.

**The Hon. ERNEST WONG:** I agree with you but that is ethical. Within the legal framework how do we interpret it? I found it difficult when we are looking at such a case to interpret it.

**Mr McCARTHY:** Our trafficking provisions turned were inadequate and two to three years ago the Commonwealth Parliament saw fit to amend the legislation with regard to forced marriages to make it clearer and increase the penalties. The issue with respect to wider issues has been considered and dealt with. The legislation has been amended at a Federal level.

**The CHAIR:** Thank you, Mr McCarthy, for your time. I am sure you will be part of the journey that this inquiry has begun. You are a significant resource for the Committee. I know you have tabled a few documents.

**Mr McCARTHY:** There are a series of others I wish to table. I do not press this, but if it was of interest to the Committee I would certainly be happy to come back to talk about any aspects of this again if it was thought to be of any value.

**The CHAIR:** It would be helpful to speak to Mr Kevin Hyland from the United Kingdom, with his experience in the modern slavery Act. There may be further questions that members wish to ask you and you will have 21 days to respond. The secretariat will assist you. We are aware of those other documents stuck in cyberspace. The secretariat will work with you to ensure we receive those documents. Your experience has set a good foundation and the Hon. Trevor Khan has noted other issues with regard to human trafficking. It is a broad area. This Committee will attempt to be part of the solution

**(The witness withdrew)**

**(Short adjournment)**

**LINDA JANE HOWLETT**, Detective Superintendent, State Crime Command, Sex Crimes Squad, NSW Police, affirmed and examined

**The CHAIR:** Thank you for attending this morning. Would you have an opening statement you would like to make?

**Ms HOWLETT:** No, I do not.

**The CHAIR:** Could you tell the Committee a bit about your job and give us a snapshot of anything to do with the Committee's terms of reference on human trafficking?

**Ms HOWLETT:** The NSW Police Sex Crimes Squad contains 105 staff. We basically provide an assistance role for NSW Police local area commanders in regard to sexual assault. We work very closely with our Australian Federal Police [AFP] counterparts in regard to human trafficking. If you look at my submission, I have gone through what NSW Police's role is in regard to sexual servitude and our role in human trafficking, specifically about the Sex Crimes Squad and also how we work with the AFP. We do joint operations with other agencies as we receive information but the AFP is basically responsible for human trafficking that crosses borders.

**The Hon. NATASHA MACLAREN-JONES:** Could you outline a little of the work that you do with the AFP in relation to interagency committees and any training operations that they may provide to the NSW Police Sex Crimes Squad?

**Ms HOWLETT:** Basically we provide officers who attend the AFP human trafficking course. We have quarterly meetings, formal meetings with the AFP, and discuss exchange of information. However, we have ad hoc information exchange between both our agencies in regard to any new information that comes to light, so we do not wait until the quarterly meetings to actually deal with the information. We also have the AFP embedded with us in regard to our child exploitation side of things. In regard to that side of things we speak to them almost on a daily basis and we do joint operations with the AFP in regard to child exploitation investigations.

**The Hon. NATASHA MACLAREN-JONES:** Are there any areas that could be improved, such as through communications?

**Ms HOWLETT:** The hardest part for us would be the fact that a lot of members of the public have information and they do not feel comfortable coming forward and reporting to police—breaking down the barriers. There is no doubt, as you can see from my submission, that we have received reports and there have been investigations in the past but we do not have significant numbers being reported to us.

**The Hon. NATASHA MACLAREN-JONES:** And that is not coming from the AFP?

**Ms HOWLETT:** The community. However, having said that, we do work with a number of external agencies like the Rape Crisis Centre and the sex industry to try to encourage those agencies, if they receive information, to actually report it to us, but I believe in the community there is some sort of stigma about prostitution, even though it is not an offence in New South Wales. However, you do find a lot of people will not come forward.

**The Hon. MATTHEW MASON-COX:** What proactive measures do you take? Do you just respond to complaints laid from perhaps, for example, a brothel or from other intelligence you might receive or do you proactively from time to time actually go into these premises to establish what is actually happening there?

**Ms HOWLETT:** We do a bit of both. We receive information from the public or other areas and we are proactive in that regard. However, other agencies might receive some information and they will contact us and so we will proactively go to a number of brothels if it becomes known to us that there might be something going on in that particular establishment.

**The Hon. MATTHEW MASON-COX:** So it is intelligence-led in relation to your response?

**Ms HOWLETT:** Yes, it is.

**The Hon. MATTHEW MASON-COX:** What about the option of actually having a regular drop-in to a range of brothels or other premises where these sorts of practices might be actually being conducted?

**Ms HOWLETT:** The Sex Crimes Squad does not do that. We do liaise with the sex industry and I do attend meetings if required. However, they are not very keen for police to go to brothels because they see that it has a stigma attached to it. Obviously if they want our assistance we are more than happy to give it.

**The Hon. ERNEST WONG:** In your submission you said the NSW Police Force would have carriage of sexual servitude when the victim has not been trafficked from one country to another and there are no border-related offences involved. How then do you make this particular classification? If a case is referred to you in regards to sexual servitude is that because that person, either he or she, is actually on a visitor visa or such? How do you determine if it is a matter for the State police or the Federal police?

**Ms HOWLETT:** We usually do a combined operation with the AFP if that is the case and we will attend the premises and speak to the victim if they wish to report to the police or we would try and pull them aside and actually speak to them and find out the circumstances of them coming into Australia and then, depending on the information they tell us, whether Commonwealth offences have been committed that fall under the jurisdiction of the AFP or whether State offences have taken place.

**The Hon. ERNEST WONG:** I am still very confused about the process of investigation as to whether it is human trafficking or just someone subject to violence?

**Ms HOWLETT:** It really depends upon what the victim actually tells us and the circumstances of them arriving in the country. They might be an Australian citizen; they might be operating in a brothel and have their passports taken and actually be forced into sexual servitude. Under those circumstances it would stay with NSW Police. However, if, for instance, a victim flies into the country from another country, they come through our border and they identify that they have been brought into the country for sexual servitude against their will, then we will liaise with the AFP but under those circumstances it is more likely the investigation will be conducted by the AFP.

**Dr MEHREEN FARUQI:** Could I just expand on that a little? There was an inquiry held into the exploitation of people through trafficking, in all its forms, in NSW and that basically said that although the focus of the media is typically on exploitation of women and the sex industry, in contrast the inquiry heard from community groups and service providers that exploitation more frequently occurs in family homes and businesses. Would NSW Police be involved in that and how does that work?

**Ms HOWLETT:** If the investigation is referred to us or we have a victim who comes forward, we will conduct an investigation if it relates to, for instance, offences that are taking place within New South Wales where there is no bringing in of a person from a different country. If they are Australian citizens or even if they are on a work visa and they are talking about State offences, then we will deal with that, but we do work very closely and nine times out of 10 we will take the AFP officers with us so we are able to establish whether they are State offences or Commonwealth offences.

**Dr MEHREEN FARUQI:** Could I also clarify that your work in particular involves just human trafficking and other issues in the sex industry and not any other sort of labour, human trafficking or anything else, or does it?

**Ms HOWLETT:** The majority is that, yes. The majority of the work that we do is actually sexual offences against victims in New South Wales, whether it is male or female.

**The Hon. MEHREEN FARUQI:** The inquiry I referred to earlier made another recommendation about the NSW Police Force being trained to identify victims trafficked or enslaved in any employment or intimate partner relationship and about being trained in protecting the human rights and safety of exploited individuals wherever they might be. Are you aware of any progress on that sort of sensitivity training in the NSW Police Force?

**Ms HOWLETT:** We have provided it to our officers, and when my officers go out and lecture and provide assistance to local area commands [LACs] we provide that training as well. It is just an awareness. Also, under the domestic violence [DV] side of things within New South Wales there is a lot of training for New South Wales police, and they are some of the things that they look at within DV training as well.

**The Hon. MEHREEN FARUQI:** You highlighted earlier that often victims of human trafficking did not identify themselves or come forward. There are some recommendations in other submissions to this inquiry that talk about a hotline for victims that could be outside of the police. What are your views on that?

**Ms HOWLETT:** We do have a hotline set up within New South Wales—it is called Crime Stoppers—that receives a lot of intelligence from a number of sources. The concern I have with sitting up individual hotlines is that it becomes quite confusing for people. I think one central number is best so that people can report and then that information is passed on to the appropriate authorities. I think if you establish too many hotlines, people are going to think, "Do I ring this hotline for DV? What about if it's a combination of drugs, prostitution and trafficking—who do I ring?". There is some confusion.

**The CHAIR:** To clarify that: You are saying that the Crime Stoppers hotline should be the front door to it all.

**Ms HOWLETT:** Yes, otherwise I think it is too confusing.

**The CHAIR:** You then forward from there to specialists in different areas.

**Ms HOWLETT:** They will either forward it to the local area command or my area. But what you will find is they actually forward their information to a number of areas. They will disseminate to the AFP, Sex Crimes, the local area command where—

**The CHAIR:** I am thinking more of the volunteer organisations out there. Do you ever forward issues to them so they can help people?

**Ms HOWLETT:** It depends on the circumstance and what it relates to.

**The CHAIR:** But you would refer if you felt that that would be appropriate and helpful.

**Ms HOWLETT:** That is correct.

**The CHAIR:** How do you choose those organisations? Do you have a database, or do they get in contact with you and say, "We're available"?

**Ms HOWLETT:** We have a number of organisations on our database. We actually deal with other government agencies that might be dealing with NGOs. That is one source. Through the Sex Crimes area I deal with a number of victims groups that provide specific services to other male victims, female victims and child victims. I liaise with and deal with them.

**The Hon. MEHREEN FARUQI:** Are services like Crime Stoppers offered in different languages?

**Ms HOWLETT:** Yes, they are.

**The Hon. ERNEST WONG:** From your experience, what is the rate of those cases being referred to you or to the police in which people are charged and convicted?

**Ms HOWLETT:** With regard to—

**The Hon. ERNEST WONG:** Under Commonwealth law with regard to human trafficking.

**Ms HOWLETT:** Our numbers are very limited from our COPS database. I really could not give you any specific figures. My recommendation is that the AFP would probably be best to provide that sort of data.

**The CHAIR:** In your experience, are people generally aware of the warning signs for human trafficking?

**Ms HOWLETT:** No.

**The CHAIR:** How do you think we could improve this? Recently, perhaps on the weekend, there was talk about teaching in schools how to identify child brides.

**Ms HOWLETT:** I think that is a Commonwealth initiative that is being advertised through the schools.

**The CHAIR:** Do you think that is something we should look at for the New South Wales education system regarding different sorts of trafficking?

**Ms HOWLETT:** I think any form of education is good for the public. A lot of the public will receive information, whether it is about DV, child abuse, et cetera; a lot of members of the public do not feel that they want to become involved, so any sort of education program is helpful.

**The CHAIR:** One would certainly think that with domestic violence—

**Ms HOWLETT:** We do it. It is the same thing: The State Government runs a major campaign in order to encourage people to report child abuse. If you see something, report it. I know there are campaigns that have been launched with regard to DV: If you see something, report it. A lot of people feel that they do not want to get involved, but that is why I think some of these hotlines that people can ring are good.

**The CHAIR:** What are some of the signs and symptoms of human trafficking that the public could look for?

**Ms HOWLETT:** A number of years ago I used to work in the Asian crime area. It specifically could be that the house is barred up like a fortress; comings and goings at odd hours of the night; or a van might arrive

and a number of people might get out of that vehicle, go straight into the house and are not seen for a number of hours. Often it is a male who will arrive with a number of females. It is not very often that we have a male arriving with a number of other males, especially in brothels and things like that. If anyone becomes suspicious about anything, we would like them to report it. At least we can have a look at the information and see whether there is any truth in it.

**The CHAIR:** Can people do that anonymously on Crime Stoppers?

**Ms HOWLETT:** Yes, they can.

**The CHAIR:** So they will not be identified and the information will be taken as intelligence.

**Ms HOWLETT:** We often ask them if they would like to provide their details. We do tell them that the information will not be passed on to a third party, and some people will do that. For instance, we have a report for sexual assault victims so that they can report anonymously. It is not an investigation as such but it is intelligence that they provide us. They have the option of providing their details. A lot of them actually will provide their details, but they do not want to come in and give a statement, so we contact those victims as well.

**The CHAIR:** One of the issues with sex workers is that they are taken from other countries and brought here, thinking they are going to go to university or something like that, and their passports are taken from them and withheld from them. Do you have a solution for something like that? For instance, that sex workers in that situation may have to carry their passport.

**Ms HOWLETT:** One of my recommendations is in the last paragraph of page 3 of the submission. Basically at the brothels that our staff go to with the AFP we become aware that a lot of the girls are actually on student visas. The problem is that prostitution is not illegal in New South Wales, so my recommendation was that perhaps you want to go through a regulation of some sort to actually register the girls. I know there is a lot of opposition from a number of sex worker-related areas that do not agree with it. That might be some way: That way if they are actually licensed they can still hold their passport.

**The CHAIR:** But what if they are not aware that they are coming in for sexual servitude practices? Where does that cross over? I can understand what you are saying if they come in on a visa and are going to perform a particular service.

**Ms HOWLETT:** I have not had a lot of experience with that. I had a lot of experience, when I was within the Asian crime area, where the victims would know that they were coming into Australia to work as a prostitute and they were only supposed to be paying off a certain amount of money. However, when they arrived, the conditions had changed; their passports were taken from them. They might think they only had to pay back \$20,000; in fact, they might be told they have to pay back \$60,000.

**The CHAIR:** That is debt bondage.

**Ms HOWLETT:** Yes, that type of thing.

**The CHAIR:** How do you think we could address that?

**Ms HOWLETT:** You could licence the industry, but I know a lot of people are against that.

**The Hon. TREVOR KHAN:** The Wood royal commission dealt with this issue at some length, did it not?

**Ms HOWLETT:** Yes, it did.

**The Hon. TREVOR KHAN:** It is not just the industry itself. There are problems about what happened, and the likes of "Chook" Fowler were partly a product of the way the industry was previously regulated—is that not right?

**Ms HOWLETT:** I do not know enough about it to make a comment on that. However, I would like to state that in NSW Police the practices that might have been undertaken a number of years ago have certainly changed.¶

**The Hon. TREVOR KHAN:** I have no doubt about that at all, largely flowing from the work done in and the recommendations that flowed from the Wood royal commission.

**The Hon. MEHREEN FARUQI:** To move on to another area, one of the organisations has made a submission that raises concerns about cybersex trafficking. They say there are offenders in New South Wales who commission the abuse of children in developing countries on a pay-per-view basis.

**Ms HOWLETT:** That is correct.

**The Hon. MEHREEN FARUQI:** Have you come across that? What is the process of dealing with that?

**Ms HOWLETT:** Yes, I have. We have been working very closely with the AFP in regard to that and also we have recently charged someone with pay for view. They have yet to be sentenced; I think it will be the first case in New South Wales that will be convicted for that, so we are interested to see how that will go. Do you want me to explain what the pay for view is or do you know?

**The CHAIR:** Yes, please.

**Ms HOWLETT:** Basically, someone will sit at their computer in Sydney, for instance. The majority of the countries that they are dealing with now are the Philippines. Basically, they will dictate to a particular offender, who might have children in the house, what activities they would like to perform on the children of a sexual nature, whether it is the children are being tortured, beaten, sexually assaulted et cetera. So the offender in New South Wales will dictate to the offender that is actually carrying out the acts in the other country.

We have had a number of examples—we have seen an increase in that with the Philippines; across the entire country we are seeing an indication of that increasing. We are also seeing internationally that that is a common thread that we are seeing in the future. We work very closely with the AFP. The AFP have got a number of programs in regard to certain countries like the Philippines at the moment to try and get legislation changed and try and get an awareness of how to conduct investigations in those countries. We are expecting to see increases in Third World countries; it is a big money-earner for the Philippines at the moment and we expect to see it increasing across the world.

**The Hon. TREVOR KHAN:** Prosecutions that are launched, are they prosecutions that are launched under State or Federal legislation?

**Ms HOWLETT:** Both, depending whether they are State offences or Commonwealth offences.

**The Hon. TREVOR KHAN:** What would be the sort of State offences under which people are prosecuted?

**Ms HOWLETT:** Procuring.

**The Hon. TREVOR KHAN:** And that has an international component, does it?

**Ms HOWLETT:** Yes, it does.

**Dr MEHREEN FARUQI:** What sort of support is available for people who contact the police and who are victims of human trafficking?

**Ms HOWLETT:** There are a number of NGOs that provide services, whether they need accommodation. We work closely with Border Force in case they are going to be deported out of the country. There could be health services they may require.

**Dr MEHREEN FARUQI:** So the police play a liaison role in providing those services?

**Ms HOWLETT:** Yes, they do. Often it is either Border Force or the police agency is the first contact with that particular victim. Then we use other agencies to assist us.

**The CHAIR:** What initiatives do you think we can take on for New South Wales—this is our jurisdiction? What recommendations would you like to see so that we could help organisations or agencies like yourself just to do better? Is there any red tape or funding?

**Ms HOWLETT:** I would like to see perhaps more services for the victims that they can go to. A lot of them do not really have much of a choice if they are caught, especially if they are international visitors; they come over here, they pay off their debt, they are obviously making money to support their family back home. In the past I have had examples when the girls, say, for instance, pay off a particular debt, you will often get the people who actually bring them over to the country report them to the AFP or the Border Force so they can have them deported out of the country. For instance, if they are paying off a \$60,000 debt and they have paid off the \$60,000 they are often promised that they can work until whenever and the extra money that they earn other than the \$60,000 is theirs. In the past I have had examples, as I said, where brothel earners actually report the girls, say they are illegal, they should not be living in the country; they are obviously detained by Border Force and they are deported out of the country so that the girls do not have an opportunity to earn money to send back to their family.

**The Hon. TREVOR KHAN:** That is earn money by working somewhere else?

**Ms HOWLETT:** That is right, yes.

**The CHAIR:** And they can fill that hole with another person?

**Ms HOWLETT:** That is right. They bring someone else in who has to pay another debt.

**The Hon. GREG DONNELLY:** Are you aware of the Legislative Assembly of New South Wales report that was published in late 2015 entitled "The Select Committee on the Regulation of Brothels"?

**Ms HOWLETT:** Yes. I gave evidence at that inquiry.

**The Hon. GREG DONNELLY:** In regard to that inquiry, you gave evidence, as you have just identified, and then Deputy Commissioner Kaldas. With respect to the evidence that he gave, it is on page 14, going over to pages 15 and 16 of that inquiry report—

**Ms HOWLETT:** I am sorry, I do not have a copy of that in front of me.

**The Hon. GREG DONNELLY:** At paragraph 2.53 it says, "Deputy Commissioner Kaldas gave evidence that the industry"—we are talking about the industry of prostitution in New South Wales—"is not sufficiently regulated, that there is not a dedicated unit within the NSW Police Force to collect intelligence with regard to breaches of the above legislation"—back a bit further in the report was the legislation that would apply—"by sex work premises and that currently brothel related criminal activity is not measured by Police Local Area Commands". He talks about there not being any dedicated unit within the NSW Police Force to deal with this. Has there been a development where there is now a unit within the NSW Police Force which deals with the whole issue of prostitution in New South Wales, or have things not changed since 2015?

**Ms HOWLETT:** Things have not changed since 2015.

**The Hon. GREG DONNELLY:** With respect to his comment about measurements at the local police area command level, there are no analytics or there are no indices used to measure the issue of prostitution at the LAC level?

**Ms HOWLETT:** Some LACs do—some do it better than others, some do not.

**The Hon. GREG DONNELLY:** Could I ask you to just elaborate on that? How do they measure it? What do they do? Do they maintain a list of addresses? How do they do it?

**Ms HOWLETT:** Some do. Some will record it on COPS. When we were getting that information with that inquiry we did a download of COPS, then we sent out a spreadsheet to all the LACs to identify the brothels in the particular LAC. Some came back and said they had a number of them, some of them said they did not have any at all; in actual fact, that was hard to believe in regard to some of the locations. It is just an awareness program of encouraging police to report it on COPS so the information is available.

**The Hon. GREG DONNELLY:** In this same report, and this was evidence given by the deputy commissioner, there were around 40 brothels that the NSW Police Force had identified that had recorded connections to outlaw motorcycle gangs in this State. I apologise, I have not had the chance to fully read your submission.

**Ms HOWLETT:** I refer to some of those examples that you have alluded to.

**The Hon. GREG DONNELLY:** Do you know whether we are still talking around 40 in New South Wales? This is a couple of years after this report.

**Ms HOWLETT:** I could not tell you the specific numbers. We have had changes. There is a lot of focusing by NSW Police on gangs. Some gangs are not as strong as they used to be, so I could not give you exact numbers at this stage.

**The Hon. GREG DONNELLY:** With respect to that number, 40, have you heard of such a number before? Presumably you read this inquiry report when it was—

**Ms HOWLETT:** And I helped collate the information that Mr Kaldas used, so I was aware of the 40 number, yes.

**The Hon. GREG DONNELLY:** With respect to the 40, where did that number come from?

**Ms HOWLETT:** Information reports and information we received from LACs. It was reported on our COPS system.

**The Hon. GREG DONNELLY:** But you could not care to suggest a number that might be the case now? You just do not know.

**Ms HOWLETT:** No, I would not be accurate.

**The Hon. GREG DONNELLY:** If the question was asked of you, "Could you please update that number to what it is believed now to be the number of brothels run by outlaw motorcycle gangs in New South Wales", how would you go about collecting that information?

**Ms HOWLETT:** I would be sending out information to the local area commanders, I would be speaking to the Gang Squad—they would have a lot of holdings in regard to that—I would also check the COPS system and other information that we had to try and verify those numbers.

**The Hon. GREG DONNELLY:** But does this, with respect, take us back to the paragraph I referred to, 2.53, as a potential issue here in New South Wales where there is no dedicated unit within the NSW Police Force which deals with this matter, and that, sure, there are activities from time to time—for example, if the call went out to update information, cooperation would take place and the information would come back—but on an ongoing basis there is not the collection of information and the sort of examination of changes that are taking place?

**Ms HOWLETT:** I could not really answer that question until I really looked into it. I know a number of local area commands work very closely with the councils; a lot of councils have information about brothels in their particular area. If they receive information that they are concerned about the activities, they will often speak to the local area command and do an inspection of the premises, but police do not have the powers to walk in and do it. As I said, it is not a criminal offence for prostitution in New South Wales. If we walk in and have no information other than speaking to someone, then if we are asked to leave and we have no valid reason for being on the premises, we leave. That is why we use other agencies that do have those powers so that we can stay.

**The Hon. GREG DONNELLY:** In this report, and from information I picked up from speaking to people that have some general knowledge about this area, one of the big problems that seems to have manifested in recent times is using the guise and terminology of Asian massage parlours or Asian massage facilities as a front, in effect, for running a brothel. Would you care to comment on that? That is borne out in evidence here but what is your experience? I have to say, you can go to virtually any part of Sydney and you will pass Asian massage signs or Thai massage signs manifest.

**Ms HOWLETT:** That is correct.

**The Hon. GREG DONNELLY:** Many people say that you can go in there and pretty much order what you want, so to speak. What is your understanding of those types of places and what goes on behind closed doors?

**The Hon. TREVOR KHAN:** Point of order: I have, in truth, allowed considerable liberty to the Hon. Greg Donnelly in what he has asked. We have terms of reference. As he has rightly observed, this matter was well ventilated in a previous inquiry. What he is asking now does not go to our terms of reference; it goes to something else.

**The CHAIR:** Mr Donnelly may want to—

**The Hon. GREG DONNELLY:** To the point of order—

**The CHAIR:** Order!

**The Hon. GREG DONNELLY:** I am entitled to respond to the point of order.

**The CHAIR:** I am entitled to chair. The Hon. Greg Donnelly should ask a question about human trafficking rather than a general question.

**The Hon. GREG DONNELLY:** You have not provided me with an opportunity to respond to the point of order, which is unfair.

**The CHAIR:** What is your point of order?

**The Hon. GREG DONNELLY:** The question relates particularly to this issue because it is generally known, as I understand, that with respect to persons working—

**The Hon. TREVOR KHAN:** Are you addressing the point of order or are you asking her a question?

**The Hon. GREG DONNELLY:** Why do you not just back off, mate.

**The CHAIR:** Order! The Hon. Greg Donnelly will address his comments through the chair.

**The Hon. GREG DONNELLY:** I can explain this.

**The CHAIR:** It can be explained to me.

**The Hon. GREG DONNELLY:** With respect, I do not know why he is so sensitive about these issues.

**The CHAIR:** Address your comments through the chair.

**The Hon. GREG DONNELLY:** With respect to these places, it is understood, quite broadly as I understand, that a number of young Asian students are being engaged in these Thai massage places.

**The Hon. TREVOR KHAN:** That is not what you have asked.

**The CHAIR:** I think that is what the Hon. Greg Donnelly is asking. To be clear, is there human trafficking in those types of shops that the Hon. Greg Donnelly is asking about? Is that your experience?

**The Hon. GREG DONNELLY:** Hang on, you are not asking the question. It is my question. With the greatest respect, I have a line of questioning that I was commencing and the Hon. Trevor Khan interrupted.

**The CHAIR:** I encourage you to stay within the terms of reference.

**The Hon. GREG DONNELLY:** With the greatest respect, I am within the terms of reference. The issue is these people are being trafficked into Australia, a number of them students, as I understand. It is commonly understood that a number of them end up getting jobs at these places. Do you have any comment to make about that?

**Ms HOWLETT:** That is a possibility. I really do not know. I am a little confused by your question. Are you talking about students who come to Australia on a student visa—

**The Hon. GREG DONNELLY:** Trafficking.

**Ms HOWLETT:** —and then choose to work as a prostitute?

**The Hon. GREG DONNELLY:** Perhaps doing a university course or doing a vocational education course, so they are doing some form of education in Australia.

**Ms HOWLETT:** Not necessarily.

**The Hon. GREG DONNELLY:** Not necessarily, no, not only doing education; but who end up on the promise of work at a massage facility, or massage centre.

**Ms HOWLETT:** Yes, we have certainly had examples of that. I mentioned in my submission that we often speak to the girls and some of them are on student visas.

**The Hon. GREG DONNELLY:** And they work in places like the ones I have just described?

**Ms HOWLETT:** In a brothel or massage?

**The Hon. GREG DONNELLY:** Thai massage, Asian massage.

**Ms HOWLETT:** The ones that we have specifically spoken to were working in brothels. I do not know about the Thai massage, whether it is operating as a massage centre or operating as a brothel, or operating on a combination of both, depending if they are asking for a particular service.

**The Hon. TREVOR KHAN:** You do not know?

**Ms HOWLETT:** I do not know.

**The Hon. GREG DONNELLY:** The deputy commissioner referred to these specifically in his evidence in the inquiry.

**Ms HOWLETT:** Yes, I agree the deputy referred to those. So the question is, sorry?

**The Hon. GREG DONNELLY:** He referred to those as existing out there, but you are not aware of them?

**Ms HOWLETT:** No, I know that they exist, but if you ask me how many—

**The Hon. GREG DONNELLY:** No, I have not asked you how many. I am asking a general question.

**Ms HOWLETT:** Yes, I know they exist.

**The Hon. GREG DONNELLY:** Thank you.

**Dr MEHREEN FARUQI:** There was a report by the Sex Workers Outreach Project, and it was reported in some newspaper over the weekend, which talked about the migrants who do sex work do it for the

high cost of living, not because of crime or human trafficking in the industry. I was wondering whether you had any views on that.

**Ms HOWLETT:** I am aware of that; I have heard that. I have spoken to representatives of that agency. Prostitution is not illegal in New South Wales. Some people, no doubt, would engage in that type of activity because their children might be at private schools; they need to pay fees, et cetera. It is a lifestyle choice.

**Dr MEHREEN FARUQI:** It is a form of recognised work in New South Wales?

**Ms HOWLETT:** Yes.

**The CHAIR:** We accept it is legal, but in your experience have you found that there is a high level of domestic violence in this profession? You gave evidence that you cannot really go into a place unless there is A, B, C or D. In your exposure to trafficking, is it linked also to violence?

**Ms HOWLETT:** From my experience in the past when I was dealing with street workers, some of them would have a drug addiction, so they would prostitute themselves to earn money for the dealer to get their drugs. Some of them would be pimped out by their partners to get money for both of them for drugs. It depends upon the circumstances of each of them whether domestic violence is involved. I am aware very much aware of people who have prostituted their partners in order to get money. Yes, I have had examples of that in the past.

**The CHAIR:** Would that be classed as a type of trafficking?

**Ms HOWLETT:** I would not say human trafficking, no.

**The Hon. TREVOR KHAN:** It would be a form of servitude, would it not?

**Ms HOWLETT:** Yes.

**Dr MEHREEN FARUQI:** Which is what the Multicultural NSW committee talked about.

**Ms HOWLETT:** We identified one issue a number years ago when I was working on the streets in regard to that. That is why we changed the imminent risk of harm to children to include unborn children, because there were a lot of women who had drug addictions, they were prostituting themselves out, they were heavily pregnant and we had concerns about the safety of that unborn child.

**The Hon. TREVOR KHAN:** Rightly so.

**Ms HOWLETT:** So we make a report to Family and Community Services now and that was one of the considerations we gave at the time when we changed that.

**The Hon. TREVOR KHAN:** With regard to these raids—which is an inelegant description—by the Australian Federal Police on premises, is it possible that where the raids are undertaken and when young women, I assume, are identified as being either in the country illegally or not acting in accordance with their visa, that the most common action is simply the removal of the women from Australia?

**Ms HOWLETT:** That is correct.

**The Hon. TREVOR KHAN:** In those circumstances, obtaining evidence from young women about what is going on is, in a sense, frustrated by what is essentially the easy way out, and that is dumping the women back into their country of origin. Is that a problem?

**Ms HOWLETT:** We have had stay visas. We have tried to get a victim to come forward to provide a statement about their activities, and then we have applied for a stay visa so they can stay in the country. The difficulty with that, for a lot of the victims, is they are isolated in a different country. We give them housing and as soon as the court matter goes through its process and they have given evidence—

**The Hon. TREVOR KHAN:** They are out.

**Ms HOWLETT:** —they are out. There is no guarantee that they will stay here. If I want to be brutally honest here—

**The Hon. TREVOR KHAN:** Please do.

**Ms HOWLETT:** —I have dealt with victims who have been brought into the country, been forced to prostitute, they have been kicked out of the country and they have come back on another false passport because they need to continue that type of work because they need the money for their families overseas. They do not want us to house them, get them to give evidence and then they are sent back to their own country because they then do not have an opportunity, often, to come back and continue the work that they are doing.

**The Hon. TREVOR KHAN:** I do not want to get too definitional, but I am assuming this is almost always women.

**Ms HOWLETT:** The victims I have personally dealt with have been women.

**The Hon. TREVOR KHAN:** What we are dealing with is a form, again, of servitude as opposed to human trafficking—that is, they voluntarily enter with knowledge of what they are going to do but the money is too attractive, in a sense, to ignore.

**Ms HOWLETT:** That is correct. That has been my example, yes.

**The Hon. TREVOR KHAN:** And what may happen then in a variation that you have already described is that instead of owing what was said to be \$20,000, it may turn into a much larger sum to keep them working for a longer time.

**Ms HOWLETT:** Those are the examples that I have had, yes.

**The CHAIR:** On that line, what happens to the perpetrators when someone is forcing someone else into servitude or trafficking?

**Ms HOWLETT:** If you have got a victim, they are arrested and charged and it goes through the court process. That is pretty much it.

**The CHAIR:** What is the penalty? What happens? Do they go to jail, pay a fine and get put back in the community?

**Ms HOWLETT:** I really could not tell you. I would have to check with the Attorney-General's Department.

**The Hon. TREVOR KHAN:** Would you be able to tell us, say, in the past five years how many people have been charged and convicted? I am interested only in New South Wales.

**The Hon. ERNEST WONG:** I think that is the question I put forward before.

**Dr MEHREEN FARUQI:** There was a submission that gave some numbers but I cannot remember which one.

**Ms HOWLETT:** There are very few from a New South Wales perspective. Of the ones that we have done, I refer to one in 2012 in which the AFP charged a brothel owner. I would have to double-check the offence but I think they got about five or six years. The AFP are probably in the best position to answer that question.

**The CHAIR:** Okay.

**Ms HOWLETT:** I know that they have got all the details.

**The Hon. ERNEST WONG:** To follow on from the Hon. Greg Donnelly's question about massage parlours, from my experience in local council I know there are many brothels trading without council consent. It was only when the neighbourhood reported it to the council that we were able to send an officer to inspect them and it was then reported to the police. Does the NSW Police Force take any more proactive measures rather than waiting for reports from neighbourhoods?

**Ms HOWLETT:** No, we do not.

**The Hon. ERNEST WONG:** So that means there are still lots of those unlicensed brothels operating, the police have no way to deal with it and there are many women working in the sex industry who are unable to be identified?

**Ms HOWLETT:** Yes, I would say that would be the case.

**The Hon. NATASHA MACLAREN-JONES:** I have a question in relation to a comment that was made earlier about women who are entering on false passports and who have come back again on another false passport. With the verification imaging that is able to be done—again, I am aware that it is a Federal issue—I am interested about when they are being detained because it has been picked up that they have come in on a false passport. Obviously they have records that say they are going to work somewhere. Are you informed by the AFP that potentially an employer is bringing these people in? Is that level of communication happening?

**Ms HOWLETT:** Yes, it does. I am actually excited and looking forward to the facial recognition coming in across the board, not only for the sex industry and people entering the country but for child sex offenders who are leaving the country and going overseas and doing whatever they are doing.

**The Hon. NATASHA MACLAREN-JONES:** That is good. Thank you.

**The Hon. MATTHEW MASON-COX:** I want to pick up on a couple of points in relation to the regulation of brothels because it seems to be an area you are familiar with and on which you made some comments in your submission. They are obviously directly relevant to our terms of reference in regard to the trafficking of women. You made a couple of points that there are barriers to the regulation of brothels by the NSW Police Force. In particular, there is no ready data source—either licensed or unlicensed—for access by the NSW Police Force. There are only informal records on COPS or other sources. The ownership or business partners are not readily known and indeed employee details, if known, are often false or partial and that may be for a very good reason. What do you think we can do in that area to improve the safety of women who provide services at brothels?

**Ms HOWLETT:** The regulation of the industry or the licensing.

**The Hon. MATTHEW MASON-COX:** Both.

**Ms HOWLETT:** Sorry, that is my answer. The industry should be regulated and if someone wants to operate as a prostitute they should be licensed. But I know that there is a lot of public angst against that.

**The Hon. MATTHEW MASON-COX:** Do you think that would limit the human trafficking of young women into Australia to provide services in those brothels if we had them regulated and licensed and indeed under some sort of active engagement from the NSW Police Force?

**Ms HOWLETT:** I do, because if they are licensed—like a driver licence—when you go to the brothel and check who they are, they will actually have a licence. In order to get a licence you know that they have had to provide their passport, all their details, whether they are having their regular health checks, whether they are paying tax and so on. But I know that is an area a lot of people disagree with me on.

**The CHAIR:** It would really help their occupational health and safety side of things.

**Ms HOWLETT:** Work health and safety—it should be.

**The Hon. MATTHEW MASON-COX:** What do you say about the concerns raised at the Wood royal commission in relation to what happened to the police forces, if you like, as a result of their engagement with brothels at that time? Do you see any concerns or issues in this sort of area in that respect?

**Ms HOWLETT:** I am not stupid. I realise what happened in the past. I do not necessarily agree it would happen in the future but I know that there is a lot of angst about it. The NSW Police Force does not really see that. It is not a criminal offence to be a prostitute in New South Wales. The NSW Police Force is here to uphold the law and to enforce the law, whether we should be taking on that sort of role or whether there should be another body that takes on that sort of role. Some of the people will see if the NSW Police Force is involved it is criminalisation and going down that path. I would rather the girls have access to proper health services and so on. There are industries. For instance, a lot of girls who are Australian citizens will use the outreach services, get the appropriate health checks and so on. My concern is there are probably a lot of girls who are coming into this country, are not getting access to those services and do not know what their rights are. They should be having health checks and they should be provided with those other services. Perhaps the other services can actually refocus them on a change of life, whether through an education system or whatever.

**The Hon. MATTHEW MASON-COX:** The other thing I want to raise—it may not be in your area of expertise—is indentured labour, if you like. We have circumstantial cases of it in various industries whereby people are brought into the country under Commonwealth visas and provide employment services often to training organisations which provide them with accommodation—board and so on—and then provide them with the remnants of that salary often at a different rate to what they thought they were going to receive when they entered the country. Is that something that you are familiar with or have you come across any examples of that in your experience?

**Ms HOWLETT:** I would only refer back to what I have previously said. I have had victims come forward who thought they only had a debt of \$20,000 to pay and once they have arrived in the country they are being told they have to pay off \$60,000. So they are the only examples I have had.

**The Hon. TREVOR KHAN:** There have been examples like that, have there not—and this may be only anecdotal to you—of people who have been brought in to work in the restaurant industry and essentially entered into a form of paying off of a debt because they are working in the food industry.

**Ms HOWLETT:** Yes, they do exist. I have heard of that—that they come in, they think they are going to be a chef, they think they are going to be earning a certain amount of money, they are going to be housed,

they are going to be clothed, they are going to have time off, and they come here and they are virtually slaves. They are working in a restaurant 16 or 17 hours a day and getting very little money.

**The Hon. TREVOR KHAN:** And sleeping out the back in the toilets or wherever.

**Ms HOWLETT:** Years ago when I was working the streets I used to have those examples—I would go into some of those restaurants and see the people in the back sleeping.

**The Hon. TREVOR KHAN:** Sure. Just so that we are balanced on this, this is an issue that is not confined to the sex industry.

**Ms HOWLETT:** No; it is an exploitation of workers. They come in thinking that they are going to be doing a certain job for a certain amount of money, but they are abused by people who take advantage of them.

**The Hon. TREVOR KHAN:** Applying the logic of some of the questions that have been asked, should we be licensing all these businesses as well, so that you can go onto the premises and check that they are paying tax and the like, which you have been asked about?

**The Hon. GREG DONNELLY:** Separately, with respect to small business—the respective authority.

**The Hon. TREVOR KHAN:** The police cannot go and do various things on people's premises. There is a regime of laws that applies in Australia. The reason we are talking about regulation in the brothel industry—

**The Hon. GREG DONNELLY:** There is separate regulation for restaurants.

**The Hon. TREVOR KHAN:** —is so that the police can overcome some of the regulations, is it not?

**Ms HOWLETT:** That is correct. Where organised crime run the brothels, you can knock on the door. If you do not have evidence to justify a search warrant you knock on the door and you ask to be invited in. Sometimes you are; sometimes they will say, "No, you can't. You are not coming in." It is as simple as that.

**Dr MEHREEN FARUQI:** It would be the same case for the hospitality industry, the construction industry and for agriculture industries. Anti-slavery people have raised those as major areas where worker exploitation and trafficking occurs.

**Ms HOWLETT:** No doubt. The unions are very strong in that area.

**The Hon. ERNEST WONG:** We do have a valid 457 visa for workers to come to Australia but in the sex industry I do not think there is any valid visa for someone to come from overseas to work as a sex worker.

**Ms HOWLETT:** Not that I am aware of.

**The Hon. ERNEST WONG:** In that case the sex industry would still probably be an industry where we would see a lot of human trafficking—for women or men to come over here to work as sex workers. So most of those coming from overseas, if they are working in the sex industry, would all be subject to human trafficking. Am I right to say that?

**The Hon. TREVOR KHAN:** No, that is not her evidence at all.

**Ms HOWLETT:** I would not agree with that. There are some people who come to Australia for the sole purpose of working as a prostitute to make money to support their family. I have had examples of that.

**The Hon. ERNEST WONG:** But they do not have a valid visa to come from that country to work as a sex worker.

**Ms HOWLETT:** My experience—you would have to check with Border Force of Australian Federal Police—is that on their immigration cards people do not say that they are coming over to work as a sex worker.

**The Hon. ERNEST WONG:** Absolutely, yes.

**Ms HOWLETT:** My experience is that very few women will announce that they are coming to Australia to be a sex worker.

**The Hon. ERNEST WONG:** You have not answered my question; I will check.

**Ms HOWLETT:** Sorry, I could not tell you how many.

**The CHAIR:** That is fine. It is outside your jurisdiction. It relates to Australian Border Force. I understand that; there is no problem. You are here in a different capacity. Is there anything that we are missing? Is there anything where you are thinking, "I would have liked to be asked that," or "I would have liked to put that on the record," that would help outcomes and recommendations—particular procedures and policies in our terms of reference?

**Ms HOWLETT:** The main agencies you really need to speak to are the Australian Federal Police [AFP] and Border Force. As I said, we really only deal with State offences. Those other agencies are the ones that see the patterns of people coming into the country. Obviously they might have more information than we would, with regard to that.

**The CHAIR:** We are particularly interested in where the hurdles are for you, and your organisation. You are out there in the field.

**Ms HOWLETT:** The hurdle for us is that the ladies who come here will all be on student visas. The industry is not regulated in any way, shape or form. As I said before, we do not have the powers to go in and check. We can go to a premises and asked to be invited in. Nine times out of 10, if it is being run by an organised crime group, unless you have the justification for having a search warrant, you will ask to come in. If they say that you cannot come in then you do not go in. You might do other things. You might try to stop the clients and speak to them to find out what is going on. You try to get information from the public. They might just give you information that will justify a search warrant.

**The Hon. TREVOR KHAN:** They are unlikely to be particularly helpful, I would have thought.

**Ms HOWLETT:** I have spoken to a lot of male clients who will tell us what is happening but certainly do not want their partners, their wives or their families to know that they are going to a brothel on a regular basis. A lot of them will not sign a statement and come to court, but they will provide some information that you might be able to use to apply for a search warrant.

**The Hon. MATTHEW MASON-COX:** How many officers are in the State Sex Crimes Squad?

**Ms HOWLETT:** One hundred and five.

**The Hon. MATTHEW MASON-COX:** How many would be dealing with issues in the area of human trafficking?

**Ms HOWLETT:** I have a dedicated team of about 10.

**The Hon. MATTHEW MASON-COX:** Can you give us a break-down of what sort of work they are doing?

**Ms HOWLETT:** They basically deal with any sexual assaults that happen within New South Wales. This is a side-line. I have five teams of 10. One looks at human trafficking, one looks at other aspects of sexual violence, and they provide assistance to local area commands [LACs]. My human trafficking team, as I said, works very closely with the AFP, have regular meetings and attend their course. They provide education and training to the rest of the LACs about sexual servitude.

**The Hon. MATTHEW MASON-COX:** It is only the sexual human trafficking which is in the State Sex Crimes Squad. What about other forms of human trafficking? Are they dealt with by other areas of the NSW Police Force?

**Ms HOWLETT:** If it is in relation to children then it is our Child Abuse Squad, but the majority of what you are talking about is dealt with by the Australian Federal Police.

**The Hon. MATTHEW MASON-COX:** So the cases of indentured labour in, say, the construction industry or some other industries under section 457 visas, would be an AFP issue?

**Ms HOWLETT:** It would be an AFP issue or a union issue or something like that. Mine only deal with sexual offences.

**The Hon. MATTHEW MASON-COX:** In dealing with the AFP, you have quarterly meetings. Is that sufficient in your view?

**Ms HOWLETT:** That is the case with regard to human trafficking, but we are speaking to them on a regular ad hoc basis. As I said, we have them embedded with us with regard to child exploitation. I am on a number of national and State committees with the AFP. We communicate on a regular basis.

**The Hon. MATTHEW MASON-COX:** So you would characterise that relationship as a very good relationship on these issues?

**Ms HOWLETT:** Yes, and we talk about other investigations. We have recently had an example of an Australian citizen going overseas to abuse a child overseas, so we liaised with our AFP counterparts and our international counterparts. That person has been arrested in a different country.

**The Hon. MATTHEW MASON-COX:** How many cases do you have on foot? Can you give me a ballpark figure?

**The Hon. TREVOR KHAN:** In what area?

**Ms HOWLETT:** Are you talking about child exploitation?

**The Hon. MATTHEW MASON-COX:** Human trafficking.

**Ms HOWLETT:** Very few. The AFP would be best asked to respond to that.

**The Hon. MATTHEW MASON-COX:** I am just trying to get an understanding of the scale of your investigations.

**Ms HOWLETT:** It would be fewer than 10.

**The CHAIR:** Can I just ask about the manicure and pedicure industry—the shops which are popping up everywhere.

**Ms HOWLETT:** I do go to one, yes.

**The CHAIR:** Are you aware of any of those using trafficked people?

**Ms HOWLETT:** I am not aware of any. We have not had any reports on the computerised operational policing system [COPS]. I did a download before I came here, and that was certainly not something that popped up. Are you talking about people coming in to be used as nail—

**The CHAIR:** Yes.

**Ms HOWLETT:** I am not aware of that.

**The CHAIR:** We have seen them popping up all over the place. I was wondering whether they were legitimate and whether they were doing the right thing by the women.

**Ms HOWLETT:** I am sure they would be regulated by the council or the shopping centres they are operating in.

**The CHAIR:** I think that is what the Hon. Ernest Wong was meaning when he was talking about whether it is regulated or unregulated, or approved or unapproved development applications.

**Ms HOWLETT:** I could not tell you; I am sorry.

**The CHAIR:** That is fine; I just wanted to use your experience if you had any.

**Dr MEHREEN FARUQI:** Mr Wong raised the issue of 457 visas, and I noticed that in one submission Dr Tahmina Rashid from the University of Canberra suggested that 457 visas for sex work may serve to provide a legal avenue of entry into Australia, and hence may tackle human trafficking. What is your view on that?

**Ms HOWLETT:** I think it is probably happening now. A lot of the girls that we speak to at brothels are on student visas, and they are clearly not working as students.

**Dr MEHREEN FARUQI:** But that is different to a 457 visa.

**Ms HOWLETT:** Yes. For 457 visas my understanding is that they need specialist skills that are not applicable in this State or country.

**The Hon. TREVOR KHAN:** It is going to be very difficult to—

**Ms HOWLETT:** It would be very difficult filling in an application saying—

**Dr MEHREEN FARUQI:** Yes. I just wanted to raise that.

**Ms HOWLETT:** I think it would be very challenging to say, "I provide a sexual service that someone else cannot."

**The CHAIR:** Thank you for coming in, Detective.

**Ms HOWLETT:** Thank you for your time.

**The CHAIR:** It was incredibly enlightening. We have heard your evidence and some of the members might have further questions on notice. You will have 21 days to answer those questions. The secretariat will be glad to assist you if that happens. Otherwise, thank you for what you do. It is a pretty tough gig, but there is no doubt that it is probably very rewarding too.

**Ms HOWLETT:** Very rewarding.

**The CHAIR:** Thank you to your colleagues and your team. The Committee will adjourn for lunch and resume at 1.45 p.m.

**(The witness withdrew)**

**(Luncheon adjournment)**

**FIONA DAVID**, Executive Director of Global Research, Walk Free Foundation, affirmed and examined

**The CHAIR:** Would you like to make an opening statement?

**Ms DAVID:** I would. Thank you for inviting me to give evidence. I thank and congratulate the Committee for making this important issue a focus of your inquiry. I was reflecting on it as we prepared our submission and evidence for today. Very often the response to human trafficking has been international through treaties and United Nations organisations. In Australia, as with other countries, it is national. This is all great and important but I think at the end of the day when someone comes forward in a human trafficking situation the reality is that it might be a school teacher, or a nurse, or a local NSW Police Force person who is identifying and responding to the situation.

While international and national responses are critical I commend you for ensuring a New South Wales focus as well. I will start briefly with terminology. As an organisation the Walk Free Foundation talks about the idea of modern day slavery. I mean no disrespect to the Committee. We consider this idea of modern day slavery as a shorthand way of including complicated legal concepts such as human trafficking, forced labour and forced marriage. As an organisation we find that the term "modern day slavery" is easily understood by many people and translates across different countries, and we work in a number of different countries.

On to the issues before the Committee today. I will focus on your point (c), "the effectiveness of relevant legislation and policies", and (e), "other related issues". As you have seen from our submission we, as an organisation, have a number of asks of the Federal Government. I would like to briefly explain today what the asks are and the opportunities and points of intersection I see with the New South Wales Government. First, we are calling on the Federal Government to establish what we see to be a very much needed independent oversight function, an independent anti-slavery commissioner. This model has been used successfully in the United Kingdom and European countries that have national rapporteurs. The Dutch have a national rapporteur.

One of the reasons we think this is so important is because the response to this crime is so complex. I am sure you have heard and will continue to hear of the issue of forced marriage. If there is a situation of forced marriage certainly the issue may be responded to by the Australian Federal Police on some level but on another level if there is a child involved it will be the New South Wales child protection authorities who need to get involved and make a determination of what is best in that situation. That is one example. Add to that the international dimension and immigration and the Fair Work Ombudsman may be involved across New South Wales and Victoria if it is an agricultural offence and happening in the Albury-Wodonga region.

We see the need for a stronger coming together and coordination of agencies. While the call is on the Australian Government for the independent anti-slavery commissioner it plays an important role and nexus between all of the states and the Commonwealth. That should not stop you having your own coordination mechanism but we need to do a better job of bringing the states in to this response. The second ask of the Federal Government—and I repeat it for the New South Wales Government—is we need to bring business to this issue. We have had a great response with the law enforcement agencies and criminal law but we all know that crime cannot be solved by police and law alone.

We need to look at all the different levers we have to pull in this response. One of the levers that has not been used enough is business. One of the important things that the Federal Government can do is—again looking at the United Kingdom Modern Slavery Act—how can we impose a requirement on business to report on the steps they are taking to identify slavery in their supply chains. A supply chain may be as simple as the inputs into a mobile phone, or the place where your clothing is manufactured, or the process of shipping goods into Port Botany and so on. A supply chain is what goes into the manufacturing process, sale process and distribution process.

We are asking the Federal Government to create a level playing field for larger businesses so businesses who are doing the right thing and are taking the time and making the effort to identify the risk in their supply chain are not penalised by the unscrupulous businesses who are effectively turning a blind eye. At the moment there are no consequences for doing nothing. This is a crime type where if you look you will find. In terms of the role of Government I think there are two critical steps for the Federal Government and the New South Wales Government.

The first is making the regulatory environment right for business to take action on this issue. You all know in New South Wales what your capabilities are much better than I ever will, so I defer to your expertise on that. I am mindful that New South Wales has a role with occupational health and safety, environmental regulation, licensing and building standards. All of those have a place in bringing government together with business. That is the first thing.

The second thing is government procurement. We know that governments buy and sell a lot of stuff, whether it is the paper in front of us or computer equipment or in the Federal Government's case they have defence equipment and New South Wales has police uniforms and on and on it goes. New South Wales agencies, I am informed, buy goods and services worth about \$13 billion annually. That is a big company; that is a huge purchasing pipeline that you have the opportunity to oversight and to make sure that taxpayers' money is not being spent inadvertently on any goods or services that are tainted by slavery.

Now we have resources available to us internationally and here in Australia about what some of those goods and services are. One of the reports I have given to you—the thinner report there of the two—is the Global Slavery Index, which looks at country by country. The second one is Harnessing the Power of Business. In the middle you will see it has a map and the map pulls out different products by different countries that the United States [US] Department of Labour has identified are produced with forced labour or slavery. This is over and above goods that are produced by child labour, so we are not even talking about child labour; we are talking about enslaved labour. I ask this Committee to support calls for the New South Wales Government to ensure that it is not spending money on products that may be produced by the victims of modern slavery.

Finally, I would just like to finish with again a bit of a reflection on the role of local responses to this issue. As I began in the submission, I hope I made the case that yes, this is a national issue and international issue but it also has to be local and we need to see importantly that integration across the Commonwealth and the State responses and that is an area that I think is currently badly lacking. While it might be the Australian Federal Police who coordinate the national police response, it will ultimately be the New South Wales police who turn up to a domestic disturbance and find that somebody there does not have their passport and appears not to have been able to leave the house for six months.

It might be the Fair Work Ombudsman who regulates labour conditions but it will be farmers and people working on the ground in Mildura or Griffith who know what the situation is with labour recruiters in their local area. Equally, with forced marriage and early-in-child marriage I think it is probably going to be New South Wales teachers who are finding these cases, if not, for example, faith leaders. So I would just like to encourage you look at every way that it is possible for New South Wales to integrate the State response with the Federal response. There is a need for both a local response and a Federal response and the two need to come together. The Anti-Slavery Commissioner is critical, I think, at the national level but New South Wales should also consider having its own coordinating response as well. Thank you.

**The CHAIR:** Thank you for that. It was very good and precise. You talked about supply chains and how to deal with that. Are you aware of any countries that do that well?

**Ms DAVID:** It is really a very new field of inquiry. I will give you some examples of countries that I think we have early indications they are doing well, but really the proof is going to be five years down the track. The United Kingdom has the Modern Slavery Act. Under section 54 of that Act there is a requirement that large corporations—that is corporations with a turnover of more than \$36 million—report on the steps they are taking to identify slavery in their supply chains. It is not a due diligence obligation; it is just a reporting obligation. So if you wanted to, you could be like Krispy Kreme donuts, who under equivalent legislation in California report that "We do nothing on this issue". That is all their statement says. Then it is really up to the consumers and the market to decide whether or not that is acceptable. What we have seen with some other companies such as Marks and Spencer is that they give very detailed information about all the steps their company is taking. They identify specific violations that have occurred in their very extensive supply chains and they talk about what steps they have taken to fix that.

**The CHAIR:** For the New South Wales Government's procurement it would be wise to put in the tendering process that they are slave-free, slave-proof or traffic-proof?

**Ms DAVID:** I think it is absolutely critical.

**The CHAIR:** That they tick off that box about their actions towards that in their business?

**Ms DAVID:** Absolutely. In the same way that I am sure the New South Wales Government would not want to be buying from a producer that is desecrating the environment, I do not think any of us want to be buying from companies that are involved in these kinds of practices. What the US Government has done is put in place a very detailed process for its government procurement and I think for the New South Wales Government, in the US it is called the Federal Acquisition Regulation.

**The CHAIR:** Are you able to lay your hands on that?

**Ms DAVID:** I am. Would you like me to send it to the secretariat?

**The CHAIR:** Yes, could you send it to the secretariat?

**Ms DAVID:** Certainly. They have done a lot of work looking at what is the risk in the US procurement space, what are the responses, how can they regulate around this so that there is an incentive for organisations to comply, not just a penalty.

**The CHAIR:** You mentioned business champions championing the cause. Can you elaborate on how we can encourage business champions in this in New South Wales?

**Ms DAVID:** I think that would be fantastic. I can only speak from my own experience with one particular business champion, which is Mr Andrew Forrest, who is the founder of the organisation I work for.

**The CHAIR:** We were hoping he would come today but he is apparently busy. It would have been great to have him here.

**Ms DAVID:** I believe he has been organising with your secretariat for another date.

**The CHAIR:** Great.

**Ms DAVID:** He is very keen to talk to all of you. I think something he can help shed light on is his own experience, not as a human rights person or a do-gooder like myself; he is a businessperson. He had to make hard decisions in a business context as to whether he would look at this issue or not. One thing we have found is that very few people are doing it. As a result the community of people talking about those experiences at the moment is fairly limited in Australia.

**The CHAIR:** Is that because of the accreditation costs or the costs that it actually takes away from the business to set up these systems?

**Ms DAVID:** I think it is really like any business due diligence system—you go on a journey. You start with your overall policies and practices: "We won't tolerate corruption" or "We won't tolerate environmental degradation" or "We won't tolerate discrimination in our workplace" and then as a company you just work through putting the systems and processes in place to achieve that. For Mr Forrest's organisations, that involved a risk assessment process and in a very, very small number of cases it involved an audit process and I led those audits so I can confirm that they were not expensive. These are audits that are undertaken by specialists.

**The CHAIR:** But he is one champion who will put his money where his heart is and you cannot say that for all corporates, unfortunately. We see a bit of a token spray out there to win customers but it is not real diligence.

**Ms DAVID:** That is why we think something like the Modern Slavery Act is so important because at the moment there is no incentive for people to do the right thing; in fact, if anything there is an incentive to do nothing. We hope that by creating a conversation and by creating a requirement on business to take the first steps we will create a community of people who are business champions.

**The Hon. MATTHEW MASON-COX:** And part of that is to make sure that it is not tokenistic.

**The CHAIR:** That is right.

**The Hon. MATTHEW MASON-COX:** I was just trying to understand the sort of processes you put in place. You mentioned a risk management process and auditing. What sort of cost was involved in that sort of process?

**Ms DAVID:** That is a great question. I will start with the risk assessment process. The risk assessment process for a company—and let us say a company has 3,000 suppliers. What the internal procurement department would then do is look across those suppliers and identify their location and the product and get a sense of risk. Then of course from that 3,000 you might break it down—and I am actually giving you an actual example here...

**The Hon. MATTHEW MASON-COX:** That is great.

**Ms DAVID:** From 3,000 suppliers having applied that risk assessment process, you might end up with between 10 and 12 in the high-risk category. Then that allows you to actually focus. You cannot do much with 3,000; you can do a lot with 10 or 12. The first thing to do is have a conversation with those organisations. In the case of Mr Forrest's organisations, he wrote to all his suppliers and asked them to fill in a statutory declaration that they were taking steps to identify slavery in their own supply chains. With those high-risk companies, some of them were unwilling to sign those declarations—so that starts a conversation. Of course, in a business-to-business relationship there is a lot of room to change situations. If you are a good customer of that business, they will take the effort for you.

From having identified the 10 or 12 high-risk companies, you continue to work through with the supplier and identify where there is a real risk, and that is when you get to an audit stage. The audits that I have been involved with are probably around the \$20,000 to \$30,000 mark for a site audit conducted by people who speak the local languages of whatever the workforce is—

**The Hon. MATTHEW MASON-COX:** Because you might have to go overseas to do that.

**Ms DAVID:** For some of these businesses, this has been conducted overseas and it has involved travel costs, and that \$20,000 to \$30,000 includes travel costs.

**The Hon. MATTHEW MASON-COX:** Overall it would probably cost a few hundred thousand dollars to go through the process, by the sounds of it.

**Ms DAVID:** I think by the time you factor in staff you probably have one person who is responsible full-time for it, or part of their job is responsible for it for a year to get it all set up, and then you have these flashpoints where you might need to spend a larger amount, for example, on audit.

**The Hon. MATTHEW MASON-COX:** Larger organisations would be able to absorb that sort of cost. Where would you draw the line in the size of organisations?

**Ms DAVID:** I think there are two different ways to look at this. One of the approaches I find very appealing is to set the limit quite high in terms of company size but to make the requirements quite specific, because if you are talking about the BHPs, Rio Tintos and the Unilevers of the world, yes, they have a very different capacity to respond than a much smaller organisation. What they have done in the UK is set it at about 36 million pounds, and that covers something like 17,000 businesses. I think there would be plenty of people who might say that actually is too low. That brings in universities and all sorts of organisations that are not the Unilevers of the world.

**The Hon. MATTHEW MASON-COX:** So that is based on turnover.

**Ms DAVID:** That is based on turnover.

**The CHAIR:** Do you ever present at large business chambers where you have access to these 20,000 businesses?

**Ms DAVID:** We are fortunate to have a lot of relationships with businesses. I was in Geneva last week and I met with a number of businesses—

**The CHAIR:** Is that near Tasmania? Sorry—it is a terrible joke that went bad.

**The Hon. MEHREEN FARUQI:** In your experience, are customers as well as businesses becoming more and more aware of ethical issues? Do you think it is a positive thing for a business to have these ethical practices, ranging from the environmental to anti-slavery?

**Ms DAVID:** I think customers are definitely getting much more aware of these issues. We see it ourselves in our day-to-day lives with Fairtrade coffee and other products like this. The challenge for consumers is that even people like me sometimes do not know what we can buy because we do not have any visibility as normal people over what has gone into producing something. So there is this consumer demand for ethics in the things they buy, but there is this complete absence of transparency over what goes into them. The other side of this is of course that not everything is consumer-facing. Some of the risk areas that I have been involved in identifying, for example, are parts of something else that then becomes a larger system, so there is no brand or consumer that you can leverage in that case. In that case, I really think you need to rely on the businesses to push the responsibility.

**The Hon. MEHREEN FARUQI:** Some years ago local government in New South Wales was pushing for ethical procurement, but I cannot seem to remember a specific example. Do you know of any local government in particular that has these procurement policies?

**Ms DAVID:** I do not, no. I know the Federal Government took some very early steps to focus on this issue, but I have not seen it rolled out at a local level yet.

**The Hon. MEHREEN FARUQI:** You are advocating for a modern slavery Act as well as an independent anti-slavery commissioner at the Federal level. We heard this morning from another witness that they wanted the New South Wales Government to have an independent anti-slavery commissioner.

**The Hon. TREVOR KHAN:** I do not know if the term "wanted" was used.

**The Hon. MEHREEN FARUQI:** Proposed, I think.

**The Hon. TREVOR KHAN:** Suggested.

**The Hon. MEHREEN FARUQI:** Yes. "Suggested" is probably a better word.

**The CHAIR:** We want to lead the way because the Feds are taking too long—let us face it.

**The Hon. MEHREEN FARUQI:** What do you think of that idea? Would it be a hindrance or would that be leading the way? How would that operate?

**Ms DAVID:** There are two critical—

**The Hon. TREVOR KHAN:** I tried that one. It did not go very far.

**Ms DAVID:** I think there are really two key functions that you need to see happen in New South Wales. The first is coordination, and it needs to be coordination within the State and with the Federal Government. That is not necessarily a commissioner; it could be a Government job or some sort of functional role. Then the issue of oversight is a slightly different one. As with any commissioner, they stand back, make sure and look at how it is all operating, how it is operating with the Federal Government and how it is operating with the other State governments. I think both of those roles are critical and I would be delighted if New South Wales were to lead the way with one or both of those roles.

**The Hon. MEHREEN FARUQI:** Having regard to what else the State Government could do, I am particularly interested in your experiences around supporting victims of human trafficking. Is there something specific that New South Wales could do on that?

**Ms DAVID:** Goodness! I think there are other witnesses who will speak and are better qualified to speak on that issue. I think we are quite fortunate in New South Wales: I am from Western Australia and in Western Australia we have nothing. I guess the good news is, in New South Wales at least, there are some services for victims. That does not mean there are enough, but I think I would leave that to people who are better qualified than I am.

**The Hon. ERNEST WONG:** I want to publicly touch base with regard to labour exploitation. I am not sure whether you have come across it much. I came across it in some of the submissions and also in the presentation. A lot of workers will come on 457 visas where they are recruited by private agents and where a lot of them are being paid below the Australian rate. A lot of them will be owing a lot of debt to the agent when they come to Australia. Is that becoming a very serious problem in Australia?

**Ms DAVID:** Yes.

**The Hon. ERNEST WONG:** How have we as a Government or how has the Australian Government or the Federal or State police targeted that issue?

**Ms DAVID:** First, I think that is a very serious issue. I think it is the issue at the moment in terms of the challenge for all governments to respond to this issue. One of the areas where I see the response falling down is the world of criminal law and then the law of civil law or regulation. Over here we have the police; over here we have the workplace regulators and authorities. It is very easy for people in this gap in the middle to not want to talk to people because they may be afraid of the consequences from an immigration perspective or they may not know who to talk to—and even if they do talk to people there is still the prospect that people may literally be deported before they have a chance to really have their story explored. I think it is a very serious issue.

**The Hon. ERNEST WONG:** What can you suggest as to how we are going to monitor the problem or bridge the gap, given the difficulty of exercising a monitoring system?

**Ms DAVID:** I think there is a number of different levels that can be looked at. In terms of regulation, one of the systems I have seen working well is the Gangmasters Licensing Authority, again, in the United Kingdom. That brings together criminal laws with a licensing regime. You effectively have labour inspectors who have criminal law enforcement powers, so rather than there being this gap the two systems—the labour system and the criminal justice system—are brought together. That is at the regulatory level, but at the community level we really need to be leveraging diaspora networks and international student networks. We see 417 visa holders and international students getting themselves into all sorts of trouble. We need to leverage these networks so that we can understand what is actually going on and find ways to help people access help and support.

**The Hon. ERNEST WONG:** Are you saying that is because the legal framework that we have now in Australia is not adequate or because the implementation of it is not adequate?

**Ms DAVID:** I think we have to look at it at all levels. Sometimes these cases are not considered serious enough to be criminal so they are treated as civil, but actually they involve very serious exploitation. That is something that the Federal Government has been looking at over the last few months with the Allan Fels migrant workers inquiry. So I think that is a very, very important issue to look at. But then there is implementation. Again, back to that issue of the response, it has been very national. It is great to make nationally informed policies about, for example, how immigration works with the Federal police, but my question is always: well, how does that work in Ceduna or how does that work in Port Hedland or how does that work in Mildura? Do the local police really know about this protocol that has been developed in Canberra? So I think the operational implementation is critical.

**The Hon. GREG DONNELLY:** Thank you for coming along this afternoon and providing some evidence. It was a great submission for us to absorb. My question relates to engagement with or perhaps not engagement with the corporate regulator essentially. The Commonwealth Corporations Act obviously provides the oversight governance of corporations in Australia. Forgive me for not being familiar with the UK experience, and if you do not know just say so, were there engagements directly with what is the equivalent corporate regulator over there in the UK to engage with them perhaps in advance of the legislation coming into force explaining what was being undertaken? Because at the end of the day the corporate regulator has a great deal of interest in what companies do and do not do, as the case may be, and I would have thought that it would be critically important, in a sense, to get the corporate regulator on board so they comprehend what is being done, the motivation behind it, and one does not find out perhaps there is strife down the track that otherwise could have been avoided.

In this engagement with the regulations around the way in which companies operate in Australia, would that be something you think is important to consider or do you essentially advance the case that it is really a case of going out to companies, engaging with them and, in due course, the regulator will understand what is going on and come on board?

**Ms DAVID:** I think you need to engage with the corporate regulator definitely. I also think you need to engage directly with companies. In terms of the role of the corporate regulator, I guess it depends on what model is being pursued. In some countries, like France, for example, there are penalties for not following these transparency requirements. So in that case you would have perhaps a corporate regulator enforcing the penalties against a company. That is not what we are suggesting here; we are suggesting much more of a light touch, a reporting requirement, which I guess the corporate regulator is one place that could be tasked with that role. I have not sought their view on that, but certainly you would want to engage with them on it.

**The Hon. GREG DONNELLY:** Because obviously companies these days are very sensitive—in fact, I think there are obligations to report, sort of meeting triple bottom-line requirements and obligations, so the community at large in which the company operates does not operate out there as a lone wolf, trying to exploit every opportunity that comes its way but it operates as a corporate citizen and is conscious of trying to meet these triple bottom-line requirements. So when you get to their annual reports, for example—and I do not mean just a report on an annual basis, but embedded in the annual reports presumably would be or potentially could be reportage on this issue as well, which really gets into the annual report, of course, and is seen as part of something that should be reported via the annual report every year and presented at the annual general meetings and things like that—it really starts to get some sort of teeth into the whole thing and have some real bite.

**Ms DAVID:** I agree with you. One of the requirements that I think is very critical with the UK modern slavery Act is it requires the board of directors to sign off on the statement. Sometimes people have said this is just a piece of paper and another signed statement, but I think anybody here who has tried to get a board of directors to sign anything knows that that is not something that is done lightly. So I do think that that is very important. We have already seen some Australian companies reporting under that legislation—BHP, Wesfarmers, Rio Tinto and a number of the very large law firms, I think it is Ashurst and some of the other major law firms are already reporting under the legislation exactly as you said, in the same way you see an annual report and it has got the sustainability statement and it has got the financials, it has got the statement on the modern slavery responsibility as well.

**The Hon. GREG DONNELLY:** So the board is so-called signing off on the acknowledgement that certain things are being met, and that is issued to the market, is it, or to the annual general meeting?

**Ms DAVID:** Yes. There I think there is a weakness in the UK law. In the UK law all they have to do is put it on their company website. I think really it would be better if there was a more systematic process, whether that was through the company's annual report process or a central repository, which is what we have been saying would work, so that consumers all know where to go and find out what this law firm is doing versus this law firm, for example.

**The CHAIR:** In your evidence earlier you gave an impression that New South Wales had services but could probably do with more. Where are we short on services and what types of services? Is it metro or regional?

**Ms DAVID:** I do not know that I would be qualified to answer that question. What I would note is that New South Wales has responsibility for providing so many services, whether it is hospitals, State police, libraries fire brigades, local health services, everything, they all essentially are potential front-line responders. In the same way that a women's health service may find somebody is being subjected to domestic violence, they may equally find that somebody has been subjected to a forced marriage or modern slavery. So really the critical thing is that those services are equipped and know what to do in these situations. They do not necessarily have to deal with the whole situation themselves but they need to know who to talk to and what to do about it.

**The CHAIR:** It seems that if a woman is subjected to domestic violence in the family home someone knows something about it because they are neighbours, but if they are subjected to domestic violence in a brothel it is as if that does not count; we do not touch there; that is unregulated and unlicensed. Do you have a comment about human trafficking and the way that women have been treated in those situations, given the fact that it is legal in New South Wales? Is there a better way to look after women or deal with the human trafficking issues in New South Wales?

**Ms DAVID:** I think we have seen a very good response to the issue of trafficking involving sexual exploitation of women in New South Wales and also in Victoria. Those issues have very much been a priority for the agencies involved in the response. One of the really positive things that I think has come out of that is that the organisations that work with people working in the sex industry work very closely now with the police. In the same way, if you were trying to uncover corruption in the construction industry you would want to work with people who worked in the construction industry, I think if you are trying to uncover these problems in the sex industry you need to work with people who understand that industry.

**The CHAIR:** You have made some comments about mandatory reporting of corporations and stuff like that, which I think is very helpful, given the fact that we are going into mandatory reporting on child abuse and all sorts of things. Do you think there is a place for mandatory reporting in brothels?

**Ms DAVID:** What would the reporting be on?

**The CHAIR:** Mandatory reporting of domestic violence or something like that, because obviously the issue is that human trafficking is hiding a lot of—

**The Hon. TREVOR KHAN:** It is domestic violence if it is in the context of a brothel; it is a straight assault.

**The CHAIR:** I take your legal advice on it.

**The Hon. TREVOR KHAN:** It is a straight assault. I think section 316 of the Crimes Act already requires the reporting of a serious offence.

**The CHAIR:** We will call it assault then. It seems to get hidden if it is in that industry, and probably some of the repercussions are that if they say something they will literally be sent back to their country or they will be reported as crossing over on their visa or something like that. I know what I am trying to ask, but I am not hitting the target. The assault on human trafficked persons who have been sexually exploited does not seem to be coming to the top. It is non-existent, it is not reported, it does not happen, but we know that it does.

**Ms DAVID:** We certainly know it happens. My observation would be that those cases have been identified and are being taken very seriously by the organisations that are involved. If anything, I tend to think that that is an industry that has probably had most of the attention as distinct, for example, to agricultural or other industries that could have more attention.

**The Hon. TREVOR KHAN:** Or hospitality, for instance?

**Ms DAVID:** Or hospitality.

**The CHAIR:** Rightly so. We are not only looking at the sex industry.

**The Hon. TREVOR KHAN:** We seem to be.

**The CHAIR:** Because of the evidence we have had.

**The Hon. GREG DONNELLY:** The evidence from the witness this morning was 90 billion out of 150 billion worldwide.

**Dr MEHREEN FARUQI:** There is other evidence as well.

**The CHAIR:** That witness was from the Sex Crimes Squad, so let us put it in context. We are aware that human trafficking occurs across a lot of different industries, so much so we are talking about human organ trafficking as well. We are being direct on this matter, but please do not feel contained to our questions if you have a broader understanding of human trafficking in other areas.

**Ms DAVID:** One of the observations I would make about trafficking in the sex industry is, ironically—I do not want to say there is anything good about it—let me rephrase this. Research has shown, for example, in the Netherlands that trafficking cases in the sex industry is something like 40 per cent more likely to be reported and identified than trafficking cases in other industries. As a community, we are ready and willing to accept that if somebody is being held against their will in a sex industry context, it is completely unacceptable, and people will respond very quickly. Perhaps in hospitality it is a little bit grey. How do you enslave a chef? Let me tell you, it certainly has happened in Australia. It is perhaps a little more difficult for us to understand and, as a result, the response can be a little slower to occur.

**The CHAIR:** We have heard that backpackers as well go under the radar.

**Ms DAVID:** And backpackers, that is right.

**The Hon. MATTHEW MASON-COX:** Ms David, in your submission you note that an estimated 45.8 million people globally are subject to modern slavery and in Australia 4,000 people are estimated to be subject to modern slavery. What is the methodology behind your estimate?

**Ms DAVID:** Forgive me, I will give you the answer to the question but it will take a few minutes. We have a number of different ways of indicating prevalence for the global slavery index, depending which country it is. Our basic method of estimation is surveys. In the past three years, we have undertaken nationally representative random sample surveys in more than 50 countries. Literally anybody in the community can be asked a question, and the question is to the effect, "Have you had this experience of forced labour", or, "Have you had this experience of forced marriage?" That is one method we use, and that is the method we use predominantly in countries that have high prevalence.

Countries like Australia, where you would expect this to be a much rarer phenomenon, in some regards is much more difficult. We worked with the United Kingdom [UK] Home Office to develop an estimation methodology called Multiple Systems Estimation. I can send a paper to your secretariat, if you like, which sets out all sorts of detail of exactly how we came up with the estimates for the UK, but the estimate for the UK is about 13,000 people. Because that research has never been undertaken in Australia, we applied the UK percentage as a proxy to the Australian population. I will be the first to admit we can do better than that. I think it is incumbent on the Australian Government to follow the lead of the United Kingdom Government.

**The Hon. MATTHEW MASON-COX:** Understanding the size of the problem is important as a starting point. Do you have any understanding or perception that perhaps it is underreported, overreported or do you have a view on that?

**Ms DAVID:** I strongly believe it is underreported. It is not only underreported but also underidentified.

**The Hon. MATTHEW MASON-COX:** Yes.

**Ms DAVID:** For example, in a raid a few years ago in my own State of Western Australia, several hundred workers were identified in a tomato facility. I know from speaking to the police who were involved in this case that they were deported within 24 hours. I also know that there were strong indications of violence; there were allegations of very, very severe abuse, but nothing was ever identified beyond the money laundering that was involved by the criminal syndicate that was engaging these workers.

**The Hon. TREVOR KHAN:** If we are working off the UK, and I am not doubting the statistic from the UK, but are you able to identify for us the industries in which people were being enslaved or exploited? For instance, was it the garment industry or the poultry industry? Is there a breakdown by industry that gives us some insight as to how inapplicable it would be in the Australian context?

**Ms DAVID:** Not from that particular estimation process, but from other research that has been done, including research that I have done on labour trafficking in Australia, some of the industries that I would highlight would be hospitality, construction—and I am not talking large construction; I am talking small construction such as roofers and tilers—again, small-scale manufacturing, and agriculture. Under agriculture, I would include meatworks and chicken processing plants.

**The Hon. GREG DONNELLY:** Forgive me if I have missed this in the documentation, but in respect of the sustainable development goals, which are the goals that a vast majority of countries in the world have

signed up to, they have now been set in place and we are working towards them between now and 2030. Surely they are a bedrock or an anchor from which we can have a discussion in a real, firm and unambiguous way about this issue, particularly given provision 8.7, which I gather you are familiar with, which is that the countries that have signed up are to take effective and immediate measures to eradicate forced labour. Do you see this attempt to tackle this scourge as being pivotal in the public arguments by all organisations in the public domain to draw to people's attention how significant this is? If the answer to that is yes, is there a reason that they are not highlighted or perhaps not given more prominence in your documentation? If I have misread them or passed over them, forgive me.

**Ms DAVID:** I think the sustainable development goals are critical. Again, I would be delighted if the New South Wales Government was to take a leading role in making a commitment to give these effect in a local context. In respect of sustainable development goal 8.7, which is the one on modern slavery and forced labour, the reason I have just got back from Geneva is we are working with the International Labour Organization to develop the next global estimate of modern slavery, which will then be the baseline for the measurement of success or failure against that goal. As an organisation we see that it is significantly important that we are putting all of our efforts into measuring the situation, and I strongly encourage the New South Wales Government to get very involved.

**The CHAIR:** Thank you very much for your in-depth knowledge. It is most welcome. We trust that you will follow this inquiry with interest. If you can be of any assistance, please do not hesitate to call or talk with the secretariat. We may have questions for you after hearing your evidence. You have 21 days to answer those questions. Sam and the team will help you if there are further questions. We know your time is incredibly invaluable. We thank you for coming all the way from Perth and hope it is a blessing of a stay for you in what is probably the greatest city in the world.

**Ms DAVID:** It is hard to not enjoy being in Sydney. Thank you for having me.

**The CHAIR:** We will adjourn for five minutes for afternoon tea.

**(The witness withdrew)**

**(Short adjournment)**

**JENNIFER BURN**, Director, Anti-Slavery Australia, Faculty of Law, University of Technology Sydney, affirmed and examined

**ELIZABETH SHERIDAN**, Research Officer, Anti-Slavery Australia, affirmed and examined

**INDIKA CHANDRASEKERA**, Research Officer, Anti-Slavery Australia, affirmed and examined

**The CHAIR:** Welcome to the inquiry and thank you for coming along. Would anyone like to make an opening statement?

**Professor BURN:** Yes, thank you. We welcome the inquiry by the New South Wales Legislative Council Select Committee on human trafficking. Human trafficking and slavery are critical issues and we believe that there are opportunities in New South Wales to improve the State response to human trafficking and slavery. We are a legal and policy centre at the University of Technology Sydney [UTS]. We provide free legal advice to trafficked and enslaved men, women and children. Since 2009 we have advised 152 people who were trafficked and enslaved in New South Wales. Today we are representing 34 New South Wales based clients. Of that group, 35 per cent were in forced labour, 29 per cent were in forced marriage and there is one case of exploitation in sexual servitude.

While there are distinctions in international law and domestic law between the crimes and human rights abuses of slavery, servitude, human trafficking, forced labour and forced marriage, research shows—and our experience is—that these human rights violations and crimes have a devastating effect on the survivors and their families. The nature and the impact of the harm includes long-term psychological impact including post-traumatic stress disorder, fear and anxiety. Other health consequences can flow from the experience of being in forced labour including working in dangerous conditions and observing the tragic effects that such a working environment can have on an individual. There are also economic impacts: There is a loss of an opportunity to earn a livelihood and education is frequently disrupted. And then there are social impacts including isolation and long-term feelings of shame and diminished self-worth.

In our submission we have addressed several issues including forced marriage and the importance of primary prevention and education. I want to let the Committee know about a very recent development that is as new as the last week. As you would have read, Anti-Slavery Australia has a website with an e-learning program on it. To date there have been over 43,000 lessons completed by those who have registered to do the program. We also have a dedicated forced marriage website, *mybluesky.org.au*, which includes the provision of a legal service that operates throughout the whole of Australia. The news involves the business community and that is that the international law firm Allens have joined up with the Faculty of Law at UTS and the global software firm Neota Logic to develop two apps for us that will be complementary to our existing e-learning program and the forced marriage website.

We believe that there is a real opportunity through these apps to offer a way for greater information to be provided to people throughout Australia but particularly in New South Wales. You will see that we have focused on New South Wales throughout our submission and it is central to our submission that more needs to be done to increase awareness of human trafficking, slavery and forced marriage in frontline service provider communities including the police, hospital workers, Centrelink workers, local government agencies and so on. We are keen that the app that we will develop on slavery and forced labour will be accessible to more people in New South Wales. That is a really positive achievement.

I was a member of an inquiry that produced a report into human trafficking in 2013. That inquiry was convened by the then Community Relations Commission. One of the recommendations of that inquiry was that the New South Wales Government could establish a human trafficking Ministerial advisory council to coordinate a whole-of-New South Wales Government response to trafficking in New South Wales and to liaise with the Commonwealth. We recommended in that inquiry that the chair be a Government Minister and that the council include non-government organisations [NGOs] and frontline service providers.

We have heard about the need for coordination of the New South Wales response. The human trafficking Ministerial advisory council could be one model that New South Wales could investigate to enhance the coordination of a whole range of initiatives and responses in our State. Another mechanism could be to establish a New South Wales anti-slavery commissioner to coordinate the New South Wales responses, identify gaps in service responses, have an oversight of existing measures and liaise with the Commonwealth. I would like to note that business is engaging increasingly in efforts to eradicate slavery and forced labour and there are business communities in New South Wales who are directly addressing that goal. I refer to the forced labour pledge, which has been signed by Australian companies that operate throughout Australia, including in New South Wales, and include Woolworths, Coles, Simplot, Ingham's, Office Works, Big W and Goodman Fielder.

So a forced labour pledge signed by these companies says that these companies will do everything possible to eradicate forced labour in the supply chain, and to work with their suppliers to eradicate forced labour. There is an increasing business engagement but that engagement, we think, could go beyond that which has currently grown. There is more to do there.

**The Hon. ERNEST WONG:** I think I asked this question earlier, but you may be more appropriate to answer because of your legal expertise. How effective are the Acts that we have in the courts of Australia in successfully convicting the perpetrators? If not, what seems to be the problems or the issues that we need to tackle?

**Professor BURN:** The question is: How effective is Australian law in prosecuting defendants in criminal trials charged with the Commonwealth crimes of slavery, servitude, forced labour, forced marriage?

**The Hon. ERNEST WONG:** Absolutely.

**Professor BURN:** The law is still relatively new. The trafficking in persons offences were introduced in 2005. The forced labour offence was introduced into the Commonwealth Criminal Code in 2013, along with forced marriage. There have been 18 convictions to date, and the rate of convictions has been increasing as expertise develops in the law enforcement agencies and in the prosecutorial bodies. I note that in a number of the prosecutions which have resulted in a conviction there have been joint State and Commonwealth charges. In a number of the cases, a defendant has been found guilty of both State and Commonwealth charges, because there are clearly charges that are found within State legislative schemes—crimes acts—and those that are found in the Commonwealth.

There have been barriers. I believe that the framing of the law is sound, and I believe that the framing of the forced labour offence is one of the best throughout the world. I understand that there are some investigations that may lead to a prosecution under the forced labour provisions, but it is the case that of the 18 convictions to date most have been for slavery and servitude, and just four have been for human trafficking.

**The CHAIR:** What are the likely sentences in those 18? Are they getting a slap on the wrist or are they going to prison?

**Professor BURN:** There is a very interesting observation suggested in your question. In most cases imprisonment has resulted. In one case in New South Wales a community service order was the sentence. There is the potential for very high sentences depending on the nature of the offence. The High Court has explained this in the case of *R v Tang*. It is a matter of fact and degree. In Australian law there is the potential of 25 years imprisonment for slavery offences or offences involving children. There has not been a sentence of that magnitude yet but significant periods of imprisonment have resulted from these cases where there has been a conviction in the courts.

Can I make one other point about those cases, which I think highlights the importance of front-line training? In several of the cases that have gone to prosecution the person who identified that there was potentially trafficking or slavery was a front-line service provider—perhaps a health worker in a hospital or a Centrelink officer or a schoolteacher. This directly goes to the need to highlight access to good-quality training about the indicators of these kinds of terrible human rights abuses.

**The Hon. ERNEST WONG:** I have a follow-on question. We have heard about changes to the Act and having an independent commission but I think the problem here is with the access to those communities that have been subjected to human trafficking. You mentioned that front-line workers identified it. We have hotlines and those kinds of things but I think that they will not be able to be approached by people who are under those kinds of servitude. So how do you think we will be able to bridge that gap of reaching those people or approaching those people?

**Professor BURN:** A comprehensive awareness program would include targeted working together with communities that may be vulnerable to this kind of exploitation. We know that there is no one-size-fits-all. A web site is not enough. Our forced marriage network, which meets in New South Wales, is convened by Anti-Slavery Australia and the Australia Red Cross. It includes 60 organisations, including New South Wales Government organisations as well as a range of community groups. We have heard through that network that there is a need to be nuanced in the framing of programs for communities that are at risk of exploitation. That observance that we have seen within the context of forced marriage is applicable to other forms of exploitation. Reaching communities can be hard. It has to be done in a thoughtful and effective way.

**Dr MEHREEN FARUQI:** Thank you very much for coming in and giving evidence. You mentioned earlier that companies such as Woolworths and Coles had signed declarations.

**Professor BURN:** The forced labour pledge.

**Dr MEHREEN FARUQI:** Exactly. We have often seen reports—I think the latest one came in November last year—about Woolworths and Coles using food supplied from farms where there were reports of migrants being exploited. There have also been previous reports about Woolworths exploiting the trolley collectors and really underpaying them. How do we reconcile this issue of greenwashing in some ways, where the declarations have been signed but the practice of exploitation still goes on? Are there better ways of tackling that?

**Professor BURN:** It is a challenging issue. It would go to this distinction between civil exploitation of labour, such as substandard working conditions and underpayment of wages and the crime of forced labour, which is criminal exploitation of labour. The criminal exploitation of labour is an international issue. It is a serious issue, and it is a practice which is like slavery. It is that form of extreme labour exploitation that these companies are saying, publicly, that they will address through the action of signing the forced labour pledge.

That is a statement by each of those companies that is publicly made. They can be held to account. Within labour exploitation, there may be underpayment of wages, where suppliers or agencies may be providing labour. There are clearly opportunities for breaches of Australian workplace conditions. That would be a separate issue, but a serious issue. I agree with the suggestion in your question that labour operates on a continuum, with extreme exploitation at one end and underpayment of wages and substandard working conditions. I have got a bit confused. I meant that we have slavery at one end and the perfect job at the other end. At the intersection—in the middle—there is difficulty. I think it is good that they are focusing on the crime of forced labour and have said publicly that they will address it. I believe they are sincere in that commitment there may be more that they could do to address labour exploitation.

**Dr MEHREEN FARUQI:** How do we make that happen? Exploitation of illegal immigrants is horrific. It can be defined broadly as slavery.

**Professor BURN:** Professor Allan Fels, who convenes the migrant worker exploitation taskforce, says that exploitation is systemic. It is common throughout the whole of Australia. Professor Fels, through that taskforce, has been making recommendations that are intended to increase the protections available for those working in Australia, whether from migrant communities or others. At the same time there is a recognition that the serious criminal exploitation that can result from human trafficking, forced labour, servitude and slavery needs a joined-up response. To that end there is a national labour exploitation working group that is focused on those particular crimes and breaches of human rights. It is an issue confronting us all and it does demand a coordinated response. When it comes down to it, none of us want to see anybody exploited. We do not want our kids exploited, we do not want people we know exploited but we need to protect those from serious criminal exploitation.

**Dr MEHREEN FARUQI:** You spoke earlier of access and people who are victims of human trafficking are sometimes not willing to come forward. A couple of submissions suggested a hotline that was not run by law enforcement. It might be a way for them to freely call up to the hotline and have access. What is your view?

**Professor BURN:** I have read some research about hotlines and I would suggest that a hotline would need to be specific for the local environment and relevant to the local environment. In New South Wales or Australia I am not so convinced that a specific hotline on trafficking and forced labour would be an effective use of resources. I do not have a closed mind to it but I am wary about having a dedicated hotline when there may be other opportunities to expand existing hotlines. When you start thinking about a hotline it raises issues around training of people taking the calls, teaching about civil and criminal responses and ensuring that there is an effective and appropriate response to the caller. There are issues of training and capacity as well. In a world where resources can be slim and the money that is available to address these issues is not large perhaps a more concentrated focus on front-line service providers and even the Australian community would make more sense. I am not sure of the utility of that. We could look at that in greater detail.

**Dr MEHREEN FARUQI:** In the area of training you have an online module.

**Professor BURN:** We do.

**Dr MEHREEN FARUQI:** Did you say thousands of people had used it?

**Professor BURN:** I said 43,000 lessons have been completed, not 43,000 people. Some will complete more than one lesson. One of them might have completed 43,000.

**Dr MEHREEN FARUQI:** Do you have an idea of who is doing these courses?

**Professor BURN:** We do. We have a registration scheme and I can provide that information to you.

**The Hon. MATTHEW MASON-COX:** Does it cost money?

**Professor BURN:** No, it is a free course. It is good quality. It is quite detailed. We have had positive feedback. We would like to turn the material on that course into an app and we think there would be greater uptake of that material. When we are thinking about increased training for front-line service providers we need to be aware that people are required to cover so many different areas of training in their professional lives. We must do something that fits in with existing training. That would be advantageous. The app would be good and include information about indicators, referral points and links back to our website for detailed content.

**The CHAIR:** We did an elder abuse inquiry where we suggested front-line education. It could tuck into there as well.

**The Hon. GREG DONNELLY:** I put this proposition to you about the structural changes that have been taking place in Australia over the past two or three decades or longer. My proposition is in three parts. Once upon a time a far greater proportion of the workforce across all industries were members of trade unions. Through being in trade unions those trade unions effectively serviced members by visiting workplaces and undertaking activities like time and wage payment checks. If you contemplate the glory days—from the unions' point of view—in the 1960s where 50 per cent of the workforce were in unions that was a lot of people checking wages and working conditions. It is far less than it was.

With respect to the industrialised system in Australia, from the point of view of corporations, it is the domain of the Commonwealth. Once upon a time the States and Territories, particularly the States, had large and robust State industrialised systems and they had enforcement procedures and mechanisms through the State systems. They employed quite reasonable numbers of industrial inspectors. In other words, they were State employees who would visit workplaces primarily where unions were not participating or involved and would use their right of entry rights to go in and do a check, or whatever the case may be.

Thirdly, there is the issue of a vast reduction of union officials in the field doing checking and a vast reduction in the number of people employed via the States—that has dried up. You have the Fair Work Ombudsman who has a role of doing the checks previously picked up by those collective numbers of people, which were quite large. There was, before the Commonwealth system became preeminent, a Federal industrial registry that employed inspectors. That has morphed into the Ombudsman and the Ombudsman's office has been effective at dealing with matters of exploitation and underpayment of workers in the agricultural industry. At the end of the day it has relatively slim resources.

I put it to you that unless there is a way in which the actual—for the want of a better phrase—policing and checking of workplaces is overseen as an undertaking in Australia with people on the ground doing it, it will be heavy weather for those trying to push back against exploitation in terms of people who are brought to Australia or come to Australia in particular circumstances to work. We talk about these things and that is ambitious but at the end of the day we have an enforcement problem of work place rights and particularly wages and working conditions where there is a limited capacity for the State, effectively through the Ombudsman, to enforce conditions for workers in Australia. Do you have a response to that?

**Professor BURN:** Ideally there would be an increase in oversight and investigation functions that could be conducted on the ground, face-to-face and in businesses. Practically it is hard to see how that could be financed. I am aware that the Fair Work Ombudsman—

**The Hon. GREG DONNELLY:** Sorry to cut you off but why would you say it is hard to finance?

**Professor BURN:** Maybe this is one of those things that I should address later. Mr Donnelly, you began by talking about the unions who may have had that role historically.

**The Hon. GREG DONNELLY:** Yes, and the State systems that existed?

**Professor BURN:** Yes. My response would be that the Fair Work Ombudsman has recently been given a large amount of money—and I would have to check the amount but it is in the order of \$20 million—to increase protections for those who are working in Australia. I do not believe that there is a face-to-face oversight mechanism that is contained within that scope but I do think that it will be part of the response.

**The Hon. GREG DONNELLY:** I am trying to think about this in a very practical way. You have the Commonwealth of Australia with its six States, two Territories and the enormous number of worksites where over 7.5 million people work in Australia. Most of those are Australian citizens but clearly there are a number of people working in workplaces or on worksites who are here on some temporary arrangement from overseas. The sheer scale—I am thinking out aloud to get your response—of trying to ensure enforcement is gigantic?

**Professor BURN:** Yes.

**The Hon. GREG DONNELLY:** Are there ways that have not been thought about in the past, given the structural changes that have taken place in membership and exchanges in the jurisdictional coverage in corporations going Federal, where there might be some purchase we can get on this issue by looking at other ways of dealing with it?

**Professor BURN:** My response would be located within the issue of criminal exploitation and I am aware of the research that has been done in Australia that documents the cases that have resulted in prosecution and conviction. I am aware of how people have come to light through that process. I would suggest that increasing awareness to frontline service providers and members of the community is absolutely critical there. Additionally we have seen through AFP statistics that the majority of referrals to the AFP have been in the area of forced marriage in the last year so that raises other difficulties in reaching out to communities in advising communities such as schoolteachers, counsellors and so on about indicators of forced marriage and then documenting an appropriate response. My expertise would not allow me to address the broader issue of exploitation in the Australian community but I would locate my answer within criminal exploitation.

**The Hon. TREVOR KHAN:** The forced marriage issue in a sense interests me. I assume the vast majority of forced marriages involve women for a start who are forced into marriage, would that be right?

**Professor BURN:** That is right, women or girls.

**The Hon. TREVOR KHAN:** That was my next point. The question is: Are they adult women or are they minors and do you know the sort of percentages that are involved?

**Professor BURN:** Around the world and in Australia the majority affected by forced marriage are women and girls. In the Australian context I think there has been just one man who has been identified as a victim of forced marriage and my colleague has just provided me with some statistics that in all the cases that I know about those who have been affected have been girls rather than adult women over the age of 18. It has been an unexpected observance that we have traditionally thought about Australia being a destination country for human trafficking where men, women and some children have been trafficked here for exploitation. We are now seeing that there is another form of trafficking and that is of Australian citizens and residents being taken out of Australia for forced marriage. This is why we have developed the My Blue Sky response and why we have developed forced marriage networks in New South Wales and Red Cross has developed one in Victoria to address these issues holistically.

**The Hon. TREVOR KHAN:** Are you able to indicate what sort of age these young women are who are essentially being trafficked out of the country?

**Professor BURN:** The available cases—and these are cases that we know about because they have been caught—

**The Hon. TREVOR KHAN:** I am anticipating that all evidence you give is based upon your knowledge?

**Professor BURN:** Yes, that is it. I am not making it up.

**The Hon. TREVOR KHAN:** No.

**Dr MEHREEN FARUQI:** Can I just quickly ask how many cases there are that you are aware of?

**Professor BURN:** Yes. I am aware of a number of cases where there have been decisions through the Family Law Act of the court to issue an order preventing a young person being taken out of Australia. Those cases would be under the number of 10 but additionally through My Blue Sky we have taken 20 referrals over the last six months, I believe, where those who think they might be subject to a forced marriage have contacted us.

**The Hon. TREVOR KHAN:** And those are young women as in girls?

**Professor BURN:** Mainly girls at school. In one or two cases there has been a school counsellor involved and sometimes it is a friend of a person who is facing forced marriage.

**The Hon. TREVOR KHAN:** In terms of those proceedings that have been before the Family Court, are those proceedings that have been taken—I am assuming they are—by a family member who has sought to prevent—

**Professor BURN:** No. Because the young person is under 18, there is a person with standing who can make the application on their behalf and the court has issued an appropriate order in response to that.

**The Hon. TREVOR KHAN:** It is a long time since I have appeared in the Family Court so who would have standing in those circumstances to bring the proceedings?

**Professor BURN:** What we have seen through the cases is that child protection authorities in Victoria and Legal Aid in New South Wales would act on behalf of the young person and this idea of the watch list order has been important and significant for us to research and that has taken us to the next step, which is to look at the protections that are available to those who are over the age of 18 and who might be facing a forced marriage. To that end we recommend that the Australian Government develop an order like a forced marriage prevention order, which exists in the UK. Additionally, there might be the opportunity for New South Wales to look at the law that we have in relation to apprehended domestic violence orders and to assess that law and consider whether it could be available in the case of a person over the age of 18 who is vulnerable from a traditional family who would be facing forced marriage. We can provide some further information on that.

**The Hon. TREVOR KHAN:** Are there cases that you are aware of where, for instance, a young man has gone overseas perhaps to a family's country of origin, married and then remained there until the female child has reached majority before returning?

**Professor BURN:** I cannot recall a case that fits that exact scenario but there is clearly a link between Australian migration law and marriage, so the law in Australia now is that to sponsor an overseas partner the sponsor has to be 18-years-old and the overseas partner also 18. I am aware of cases where a young woman, girl, may have gone overseas, younger than 18, married and then when she has attained majority would then return to Australia and initiate a visa application on behalf of the overseas spouse.

**The Hon. TREVOR KHAN:** And indeed there have been cases, one of which I think involved the tragic death of the woman, where she sponsored the man out younger than her in some form of arranged marriage where it would seem one of the causes of her brutal killing was the argument over the dowry? Is the dowry issue one of the mechanisms by which the marriage, in a sense, remains forced?

**Professor BURN:** At the last meeting of the forced marriage network we heard from a representative from the Indian community speak to the issue of dowry-related crime and I could provide information to you about that.

**The CHAIR:** Yes, please.

**The Hon. TREVOR KHAN:** I would really appreciate that.

**The Hon. ERNEST WONG:** Are the cases that involve a dowry in forced marriage usually involving monetary value before the case can be brought under the human trafficking criminal prosecution?

**Professor BURN:** No. The actual offence of forced marriage within Australian law is that there is conduct of coercion, threat or deception that results in a marriage taking place that is sufficient to make up the elements of the offence. We know from our research and experience that there are many motivations behind a forced marriage. They could include cultural expectations and so on.

**The Hon. MATTHEW MASON-COX:** You have made some very good points in your very comprehensive submission. I want to ask you specifically about training programs. You note that there needs to be significant, comprehensive training programs for our front-line services. That is a very good point. I will ask you to expand on it. You nominate a few departments, such as the Department of Family and Community Services, Education, Health, Justice and Police, and then talk about the National Action Plan to Combat Human Trafficking and Slavery and dovetailing with the New South Wales response to that national action plan. Where is that at? What is the lead agency? Is there involvement of NGOs or organisations like yours in that action plan? What are the key milestones you seek in the future?

**Professor BURN:** The national response, the Australian response, is led by the Australian Attorney-General's department. There is a national roundtable on human trafficking and slavery that brings together Government representatives from the Commonwealth and key stakeholders such as Anti-slavery Australia. We did participate in the making of the national action plan, but what is missing from a State perspective is more coordination between the states and the Commonwealth. There does seem to be an opportunity that we have in New South Wales to really crystallise a coordinated State response and to connect more with the Commonwealth. In terms of milestones articulated in the national action plan, I do not think that there are any clear milestones that would document that level of coordination.

**The Hon. MATTHEW MASON-COX:** Is FACS the lead agency in New South Wales?

**Professor BURN:** In New South Wales? It is a bit unclear—

**The Hon. MATTHEW MASON-COX:** It is a little unclear, but I want to understand your understanding.

**Professor BURN:** FACS would be the lead agency in respect of underage marriage, but there are many agencies that are affected with and concerned by human trafficking and slavery, and that is why in the earlier inquiry we recommend a joined-up approach between key departments.

**The Hon. MATTHEW MASON-COX:** Are you suggesting a ministerial advisory committee, a subcommittee of Cabinet—

**Professor BURN:** I think that would be effective.

**The Hon. MATTHEW MASON-COX:** —to drive the New South Wales response to the national action plan?

**Professor BURN:** And developments in New South Wales. So to join up what is already happening in our State, to see what can be improved, to identify gaps in the New South Wales response and to ensure that we are doing as much as we can in our State to prevent human trafficking and slavery.

**The Hon. MATTHEW MASON-COX:** Is it your view that appointment of an anti-slavery commissioner would augment that type of ministerial advisory committee response?

**Professor BURN:** Yes. We have advocated at the national level the creation of an anti-slavery commissioner, and we drew on the UK experience to frame that position. We have developed a short policy paper on that, but I think what is needed is a mechanism—so whether it is a New South Wales commissioner or the ministerial advisory council, we need to have a way in New South Wales to coordinate State responses.

**The CHAIR:** Could you forward that policy paper to us? That would be very helpful.

**Professor BURN:** Yes.

**The CHAIR:** I know we are close to the finish, but would either Ms Sheridan or Ms Chandrasekera like to say anything, given their passion in this area?

**Professor BURN:** I have hogged the limelight—I am sorry. We did have a plan. We thought that each would address a particular aspect.

**The CHAIR:** We would be very interested if they did want to make some sort of comment.

**The Hon. GREG DONNELLY:** What about in the context of the United Nations Sustainable Development Goals, certainly 8.7 and how it feeds into what we are doing in Australia?

**Ms SHERIDAN:** In terms of the SDGs, as Mr McCarthy was talking about earlier today, I definitely agree that having a role like an anti-slavery commissioner in Australia that could be advocated for by the New South Wales Government would go a long way towards the achievement of that goal of the SDGs in 8.7. In terms of other areas, I was going to talk about the need in New South Wales for the commencement of some sort of consultative process in terms of introducing a sector-specific licensing program for labour hire business, which has been talked about earlier, but I think it would be important in New South Wales before any such scheme was put in place that there was a consultative process. I know that Victoria, Queensland and South Australia have all engaged in a process. I think there have been inquiries over 2016.

**The Hon. GREG DONNELLY:** Into labour hire registration?

**Ms SHERIDAN:** For the labour hire licensing. I suppose that would be my recommendation to the Committee, that that sort of consultative process be recommended.

**The Hon. MATTHEW MASON-COX:** Should that be done at the Commonwealth level?

**Ms SHERIDAN:** I think that in the UK Gangmasters and Labour Abuse Authority—gangmasters being the United Kingdom terminology for a labour hire business—are at the United Kingdom level but I think that in Canada, though they have provinces, there has been a system that has been implemented on a State-based level. I think there is definitely scope in New South Wales within the framework of the Commonwealth to institute a system like that, and that sort of system would involve a fit and proper person-style test for people who would like to be licensed.

**Ms CHANDRASEKERA:** I wanted to reiterate some of the recommendations we made on victims compensation. We have advocated for a long time for a national or Federal compensation scheme, but in the absence of that we currently have disparate schemes between each of the states and territories. A review of the New South Wales scheme would really be beneficial. I think some of the key aspects with regard to that are just

the recognition that crimes of trafficking and slavery are horrific crimes, and survivors face psychological and physical trauma, socio-economic impacts and have some consequential issues such as mental illness, depression, anxiety, PTSD, physical injuries, trauma and lost earning capacities. There are some issues, particularly with the New South Wales scheme, which are outlined in our submission. They primarily include the fact that there is a time limit for applications for victims compensation in Australia. It can be extended to 10 years if a sexual assault has occurred but, as we have heard in other situations of forced labour, there may not be a sexual assault, in which case the time limit is, I believe, two years. That is quite a big issue.

We also provided a case study which I think illustrates some of the key barriers faced by people who are facing compensation and are victims of trafficking. In New South Wales the main issues would be the maximum amount of payments available to victims, so under the legislation it is \$50,000, but that is divided into different payment schemes and we would see from our clients' experience that they would be able to access a maximum of \$10,000, which is substantially different, obviously, from the statutory maximum. There are also issues with assisting criminal investigations. One of the parameters of the New South Wales compensation scheme or the Victims Support Scheme is that assistance needs to be provided to police, and that is not a strict parameter but it is something that would have to be explained by an applicant.

**The CHAIR:** I remember the Victims Compensation Scheme very well because we had about 24,000 people on it and we had to do something to deal with it so those people got some help sooner. It was really hard legislation but it was the right move to try and get 24,000 people some action, as hard as that was. It was one of the hardest legislations we have had to move in the House. Professor Burn, do you have a final comment that you would like to make?

**Professor BURN:** Thank you so much. I think we will provide further information about procurement in New South Wales. We have looked at the New South Wales procurement policy framework and have some observations based on that. We thank you for the opportunity to speak. Both Indika and Libby were law students who have just been admitted as lawyers in New South Wales.

**The CHAIR:** You have 21 days to reply if you have taken questions on notice or we might send you some questions, given the evidence that you have put forward today. It has been a great day for human trafficking in the right regard of just being part of the solution. We have had some great evidence from John McCarthy and the Walk Free Foundation and the NSW Police. At the end of the day we are just going to try to save some people and if we can coordinate together, not just as New South Wales but nationally, we can go a long way, I believe, to leading globally in how to be a part of the solution and eradicate modern human trafficking. Thank you very much for your time today.

**(The witnesses withdrew)**

**(The Committee adjourned at 15:26.)**