



Australian Government
Australian Institute of Criminology

Telephone 02 6260 9200
Facsimile 02 6260 9278
GPO Box 2944
Canberra ACT 2601 Australia
www.aic.gov.au

30 August 2012

Ms Julie Dennett
Committee Secretary
Senate Standing Committees on Legal and Constitutional Affairs
PO Box 6100, Parliament House
CANBERRA ACT 2600



Dear Ms Dennett

Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012

The Australian Institute of Criminology (AIC) did not provide a submission to the Senate Standing Committees on Legal and Constitutional Affairs inquiry into the above amendment on the basis that we do not specialise in law reform and we were given the opportunity to provide research information during the drafting phase of the Bill. However, a representative of the AIC attended the public hearing into the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 at Parliament House on Wednesday 29 August and noted a number of issues raised by members of the Committee that relate to research that is either currently being conducted or that has previously been conducted by the AIC.

The AIC has ongoing funding from the Australian Government to conduct research into trafficking in persons in Australia and the broader Asia-Pacific region and has conducted a number of research projects that are relevant to these issues. I would like to draw your attention to a range of published research reports available on the AIC website¹. In particular, the report on Labour Trafficking² which highlights labour exploitation and trafficking-like practices that occur in industries other than the sex industry in Australia.

In addition, the AIC is currently conducting the following research projects, which may be of relevance to your enquiry, and we would be happy to provide further information to the committee relating to these projects. Please note that these projects are at various stages of completion.

- Labour exploitation and people trafficking in the construction industry in Australia: In light of recent research (David 2010 – see above link to Labour Trafficking) and interest by policy and program areas in more research on labour trafficking, the AIC has partnered with an NGO fund a project that considers issues related to trafficking in persons in the construction industry, with a particular focus on migrant workers. The AIC has conducted a preliminary review of literature (which has involved the identification of some cases of extreme exploitation and trafficking in persons), which is currently being finalised. In addition, we are currently in the process of conducting interviews with a range of government and non-government stakeholders in order to identify the risks and protections that exist in the industry in relation to exploitation and trafficking. This project is due to be finalised in mid-2013, and a report will be released towards the end of 2013.

¹ http://www.aic.gov.au/crime_types/transnational/humantrafficking.aspx

² David F 2010. Labour Trafficking. Research and public policy series no.108. Canberra: Australian Institute of Criminology.

- Trafficking and marriage arrangements:

The project focuses on the role of marriage in trafficking-related exploitation of migrant women. The AIC's case analysis suggests that in the small number of cases used for this study, marriage visa classes have been used to facilitate trafficking-related exploitation or associated risky scenarios in two ways. First, marriages have been identified where there was no intention on the part of the husband for the marriage to be genuine (for example, where the 'husband' is already in a de facto relationship with another person). A known case is R v Kovacs, which involved a sham marriage. Second, marriages of concern have been identified where the marriage is genuine but the husband has the intention of seriously exploiting his wife in their relationship, for example by forcing her into domestic servitude. A final report will be published in early 2013.

- Migrant sex worker vulnerabilities and protections to trafficking:

To improve knowledge about vulnerabilities and protections relevant to trafficking in persons AIC funded Scarlet Alliance, the peak body representing sex workers and sex worker organisations in Australia, to conduct a multilingual survey of both migrant and non-migrant sex workers in Sydney, Melbourne, Adelaide, Qld (Brisbane and Townsville), WA (Perth and Kalgoorlie) and the ACT. Data collected for this project is currently being analysed by the AIC and is expected to be published by early 2013.

If you have any further questions regarding AIC research, please do not hesitate to contact me or Dr Rick Brown, Deputy Director (Research) on _____ or at _____

Yours sincerely,

Dr Adam Tomison
Director (Chief Executive)