



6th August, 2012

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

Dear Ms Dennett,

The Settlement Council of Australia (SCOA) is pleased to provide this submission in regards to the proposal for the Crimes Legislation Amendment (Slavery, Slavery-like conditions and people trafficking) Bill 2012. SCOA represents a broad network of nearly 80 settlement agencies around Australia. As advocates and service providers, the sector has a unique knowledge of the realities of the settlement experience, over time, across the country, and among hundreds of different ethno-cultural communities. Within this settlement work our member agencies are in a position to assist refugees and migrants who may experience crimes which fall under this legislation.

SCOA's consultation with members and our research into the area have informed the preparation of this submission which addresses the issues of forced marriage, forced labour, slavery and human trafficking. The submission does not go into legal specifics, as that is not our (or our members) area of expertise, but highlights important issues relevant to migrant and refugee communities and the settlement sector in Australia.

SCOA supports the proposed amendments to the Crimes Legislation Bill 2012 as we believe that by broadening the range of exploitative behaviour covered, increasing the penalties imposed on offenders and compensation offered to victims, those vulnerable in the migrant and refugee communities will be better protected.

Australia is a diverse multicultural nation, where the protection of human rights for all its members is a foundation of community and civic life. Ensuring the legal framework which supports these rights and protects those vulnerable against such crimes is important. However, care must be taken around the issue of balancing the need to respect a community's right to maintain cultural practices while ensuring that human rights are protected; especially important, for example, when differentiating between arranged and forced marriages. The issues being addressed in this legislation are highly sensitive and require care and respect in their handling.

The task of ensuring that the migrant and refugee communities in Australia understand the legislative changes and their implications in regards to their rights and obligations is vital. Migrants and refugees come from a great diversity of backgrounds (culturally and linguistically), so it is important that communication and access are supported by policies and practices which include multilingual information and consistent use of trained interpreters as two key examples. By engaging proactively with the communities involved, it will be possible to ensure the safety of those involved whilst promoting an ethos of cultural respect and cooperation.

SCOA believes that changes to legislation are only part of the solution to addressing these issues. As both the Good Shepherd report "*Hidden Exploitation: Women in forced labour, marriage and migration*" and the 2011 discussion paper on Forced and Servile Marriage submitted by the Australian Immigrant and Refugee Women's Alliance (AIRWA) to the Attorney General's office highlight, further actions are necessary in order to better serve those vulnerable to such crimes. SCOA supports the recommendations in these significant reports with SCOA members confirming the need for:

- **Victim Support Services** – including the provision/ strengthening of specialist contacts, help lines, family services, counselling, access to welfare and accommodation. Such services should be provided by culturally-aware staff and cater to the cultural and linguistic diversity of victims.
- **Development of networks between relevant stakeholders** – Strong working relationships are essential between police, victim support groups, community and religious leaders and settlement services. These groups can work together to establish multiple views on how best to assist, advocate and deliver support services and education programmes to the community. It is also important that training be provided to all involved on both the legal implications of the legislative changes and the cultural issues involved.
- **Community Information Programmes** – It is vital that information regarding the legislative changes be communicated effectively to the community; including information on penalties for offenders, support offered to victims, awareness-raising sessions about the issues involved, and implications of the changes for visas. Information must be communicated using culturally and linguistically appropriate resources and can be given in community centres, schools, through mass media and before/on arrival.
- **Further research** - It is widely agreed that further qualitative and quantitative research on the targeted issues is required.

The settlement sector with its experience dealing with migrant and refugee communities and its wealth of relevant knowledge is in a strong position to offer help in addressing these issues.

These comments are put forward to indicate SCOA's support for the legislative changes proposed, and raise issues which need to be considered in the development and implementation of legislative change in this area. Please feel free to contact me for further information on any points raised in this submission.

Yours sincerely,

Sky de Jersey
Executive Officer