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Reference: Trafficking in women for sexual servitude

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JOINT COMMITTEE ON THE AUSTRALIAN CRIME COMMISSION

Wednesday, 25 February 2004

Members: Mr Baird (*Chair*), Mr Sercombe (*Deputy Chair*), Senators Denman, Ferris, Greig, Hutchins and McGauran and Mr Dutton, Mr Kerr and Mr Cameron Thompson.

Senators and members in attendance: Senators Denman, Ferris and Greig and Mr Baird, Mr Dutton and Mr Kerr

Terms of reference for the inquiry:

To inquire into and report on:

The Australian Crime Commission's response to the emerging trend of trafficking in women for sexual servitude with particular reference to:

1. the Australian Crime Commission's work in establishing the extent of people trafficking in Australia for the purposes of sexual servitude;
2. the Australian Crime Commission's relationship with the relevant State and other Commonwealth agencies; and
3. the adequacy of the current legislative framework.

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Committee met at 9.05 a.m.**MILES, Mr Andrew, Sex Industry Liaison Officer, City of Sydney**

CHAIR—I declare open this public meeting of the Parliamentary Joint Committee on the Australian Crime Commission and welcome everyone here today. Today's hearing is the second in the committee's inquiry into the Australian Crime Commission's response to the problem of trafficking in women for sexual servitude. The inquiry will focus particularly on the ACC's work in establishing the extent of people-trafficking in Australia for the purposes of sexual servitude, the ACC's relationship with the relevant state and other Commonwealth agencies, and the adequacy of the current legislative framework.

Information on parliamentary privilege and the protection of witnesses and evidence has been provided to witnesses. The committee prefers all evidence to be given in public but, should you at any stage wish to give your evidence, part of your evidence or answers to specific questions in private, you may ask to do so and we will consider your request. Mr Miles, as you are a state government officer, I point out that you will not be expected to answer questions which invite you to express a personal opinion on matters of policy and that you will be given reasonable opportunity to refer questions to superior officers or to the minister. I now invite you to make a brief opening statement before we move to questions.

Mr Miles—I come here today as the sex industry liaison officer for the City of Sydney Council. I have been employed by the City of Sydney Council for six months. Previous to that, I was employed for three years at South Sydney Council in the same role. My work experience also includes working with the state sex industry project, the Sex Workers Outreach Project, where I undertook employment for a period of about five years just after legislation decriminalised brothels in New South Wales in 1995. I have also been employed by the New South Wales Department of Health as an outreach worker in the Kings Cross area, where I principally came in contact with street based sex workers.

My role in local council is to provide advice to the City of Sydney sex industry policy. The sex industry policy has a history which dates to 1996 at South Sydney Council. Following the decriminalisation of brothels, South Sydney Council moved to develop a land use and health policy that would respond to the needs of that particular industry. My role in council is to provide advice to industry stakeholders concerning that policy, whether they are operators of brothels, self-employed workers, sex workers or state agencies. I am involved in the assessment of development applications for brothels—to simplify the term—and I am involved in coordinating inspections by council health officers and building inspectors of those premises and in liaising with both health service providers and other state agencies, such as the state police and New South Wales WorkCover.

CHAIR—As a committee we are interested in what evidence you see of trafficking in women. In particular, we are interested in women who are brought down from Asia, especially, to Australia, where they are tied by financial means to the sponsor who brought them down and are unable to move around too much. They are certainly restricted in their freedom and their ability to get out of the contract, with threats occurring. Have you seen evidence of that at all in your activities with the City of Sydney Council?

Mr Miles—No, not with the City of Sydney Council, but that is not surprising, given that my role focuses on a land use and health policy and given that that land use and health policy is of immediate relevance to those who seek to open businesses of that nature in our local government area. Council becomes involved in the working conditions of staff where state health and safety policy and other legislation provides minimum conditions which council can adopt into our policy—mainly health and safety practices. Through conditions of consent, council can require premises to meet those standards. The most obvious of those for sex work staff are safe sex practices—the provision of equipment and training and education—and it is a requirement of the consent for those types of businesses that they provide those conditions.

CHAIR—Have you come across evidence of such trafficking in other areas that you have been involved in—apart from the Sydney city area?

Mr Miles—I am aware of anecdotal evidence of some level of coercion in workplaces. I cannot provide you with advice as to whether that coercion was linked to issues of trafficking. I was party to a lot of dialogue from operators and workers about the quality of the employment relationship. As such, I gained a lot of information concerning what might be expressed as workers expressing concerns over their working conditions. The majority of that information applied to what we would recognise as standard worker gripes about health and safety in the workplace.

CHAIR—Those standard worker gripes did not include the types of issues that we are concerned with—they did not relate to sexual servitude?

Mr Miles—No.

CHAIR—So they were more standard gripes. From your observation are most of the people you see being employed in the brothels in Sydney operating in a free market environment—they respond to ads and word-of-mouth within Sydney and then are brought onto the payroll, rather than being flown down from Asia?

Mr Miles—We are unaware of the origins of staff. We are unaware of where they come from and we are unaware of the nature of their employment contracts. My experience is that they have normal employment relationships. There is no coercion for workers to work. Workers choose to work in that industry, and I am not aware of any premises in the city of Sydney where there is that form of coercion to provide a commercial sexual service.

Senator FERRIS—I do not know whether you have seen the story on page 3 of the *Australian* today, but it talks about raids that were carried out on a massage parlour in Surry Hills, which I imagine is part of the Sydney City Council area. Three alleged sex slaves escaped from the business and turned up at the local police station claiming that they were victims of sexual servitude. There seems to be some confusion about whether people are coerced or whether they are willing participants in this industry. Do you believe that sexual servitude—that is, trafficked sex workers—is a big issue, or are you of the view, as some other submissions have suggested, that people claim to be sex slaves when they are picked up, as this particular issue indicates, when in fact they were willing participants who subsequently discovered that they did not like the working conditions or, as you have just suggested, complain about the terms and

conditions of their work and then claim to be slaves or in servitude? Do you have any comment on that framework?

Mr Miles—I might initially just comment on the news article, if I may. I note that those premises are within the city of Sydney's boundaries, but only as of 10 days ago. I am not aware of those premises by name. I am aware of some premises in Elizabeth Street but not that particular one, and so I want to refer that to our compliance section. We may look at that.

Senator FERRIS—Could you just talk about the principle of it?

Mr Miles—In terms of the employment relationships and the conditions that workers encounter, generally there is a lack of information about understanding of the industry itself. We do not have a lot of data about the industry, the employment relationships and the quality of those relationships. We are then faced with difficulty in commenting on the quality of those relationships, because, from the state agency perspective, we only encounter situations where there are problems arising in the quality of those relationships.

Senator FERRIS—Do you think servitude—trafficked women working in brothels as sex workers—is a big issue?

Mr Miles—I believe it exists. The challenge is identifying how grand an issue it is. It certainly is an important issue. If any person in any workplace works under those conditions, certainly that is an offence in state law, and in my personal opinion state agencies should be acting directly on that. As to the scale of the problem, I think in public debate the idea is often put forward that all sex workers are sex slaves and that all brothels are run by criminals. I have some unique experience. I have met hundreds of brothel owners. I have spoken to thousands over the years and they strike me as a mixture of your normal spread of commercial operators. Some of them have come through the industry themselves—they are women trying to set up their own businesses—that normal flow of people coming out of the industry. Some of them are people who have worked in a business themselves, but not as sex workers, and who are seeking to establish brothels. Others are what I might describe as people with a bit of cash in their hand who think it is a good idea to open a business. My role in this council allows me to put the reality of the operation of the business in front of those operators. I believe the City of Sydney's policy position assists those operators to make sensible commercial decisions. We now have a unique situation where the vast majority of existing brothels in the inner city have development consent and health conditions attached to them.

Senator FERRIS—And the people who work in them are contractual workers rather than sex slaves: is that what you are saying?

Mr Miles—My anecdotal evidence tells me that is true, but as a council officer I am aware of the limitations of the data we collect.

Senator DENMAN—Do you come across illegal brothels often in your role with the Sydney city council?

Mr Miles—I wish I had worked with other industries so I could compare the number of unauthorised premises. Someone put it to me that there are more unauthorised cafes and

restaurants then there are brothels. There are not as many as you would think, simply because the existing local industry in majority has development consent and those operators seek to defend their development consent and their market share. That industry now self-regulates to a certain level and we are advised if premises open without development consent.

CHAIR—By other operators?

Mr Miles—By other operators or by staff who might ring up the council and say, ‘I’m interested in working in these premises, do they have development consent?’ When we have explored that issue with the workers, they have on occasion said that that might guarantee improved working conditions.

Senator DENMAN—What do you do if you come across an illegal place?

Mr Miles—Generally councils have powers under state planning laws to seek to fine and close premises that do not have the appropriate development consent. My position gives council another arm, which is I go and make contact with the operator, I advise them of the policy platform we have and seek their advice on what they may do to regularise their consent. My objective again is to assist people to make informed commercial decisions.

Senator DENMAN—If you come across one and it is closed down, have you any evidence to indicate that it moves to another council area—that it in fact reopens somewhere else?

Mr Miles—I can certainly comment within our boundaries and within the boundaries of those adjacent councils where there is an established dialogue. I am aware of some premises that have not gained development consent here that have moved and have established in other local government areas, but most of the surrounding councils here have active policies and would approach those businesses and ask them to seek development consent.

Premises can gain development consent here. There is a pathway for them. It is a clear policy platform, and they can seek consent to that. They know what the rules are and what they have to do. Then I think it is up to them whether they want to test their proposal and meet those standards. We are heavily criticised by the operators of the industry that we are interfering in their business. I just bring to their attention that we are seeking to apply normal occupational health and safety standards from other industries.

Mr KERR—I am wondering whether there is any policy reason that has been identified or articulated as to the difference in approach between the role of local government in New South Wales and that which applies in Victoria. We had evidence in Victoria that those involved in local government take a much more involved role in a range of social and related issues in the policing, management and health and community welfare areas of the industry. I am wondering whether this is a historical accident or whether it is an outcome of policy and, if so, where that policy evolved from, whether there is a rationale for this approach and who, if anyone, does the work, in New South Wales that is done by your Victorian counterparts?

Mr Miles—I will leave it to my state colleagues to comment on the state approach, but I will try to describe the differences generally. I understand that Queensland and Victoria have a dual consent process, similar to pubs in New South Wales, where you have a licensee and a premises

which gain development consent to operate. Those states have allocated resources across different government functions to ensure the compliance of those premises. The model in New South Wales differs. We seek regulation by local councils. Councils develop policies. Within that, though, we call upon resources within councils—environmental health officers, builders, compliance officers and, in this council, my expertise. We also develop relationships with other state agencies.

It is a standard set of conditions for, say, an approved brothel that they must provide access to health service providers, whether it be state health agencies, the AIDS Council of New South Wales or the Sex Workers Outreach Project. I am sure that my colleagues from sex industry projects would say, 'We got in a majority of those brothels before you ever legally recognised them or approved them.' I like to think that we have some areas of health practice and compliance that we have experience of in local government and we provide the basis for other health service providers to gain access to those premises. There is always the resourcing question of how often and how much assistance is needed for premises.

Mr KERR—I suppose the first aspect of my question was: is this policy framework the result of, say, state legislation or of long-established boundaries that have little to do with legislation? Is it a policy framework? In terms of our inquiry, where does the responsibility lie and how did this come about? Is it very different in the two jurisdictions?

Mr Miles—I can speak about New South Wales. The major legislative changes came in 1995, when the Disorderly Houses Amendment Act removed the offence of operating a brothel and local government, through planning powers, was given the ability to assess sex industry businesses or brothels. The other significant state policies that I am aware of in New South Wales are WorkCover and the health and safety guidelines for brothels, as well as the state and national sex industry projects' occupational health and safety projects. As to whether there is an identifiable state policy that has led this, I will leave it to my state colleagues to comment.

Senator GREIG—One of the themes that the committee has heard over recent months is that historically there has been poor communication or poor coordination between the various agencies that might have some oversight of regulated or unregulated prostitution. We have also heard that that communication has greatly improved in recent months with the federal government's new approach to sexual servitude. Can you give us an indication of whether that is your experience as a local government officer? When you find information or issues at a street level on prostitution do you have a good liaison with state based authorities? What happens, for example, if and when local or federal police, as illustrated in today's paper, learn of or suspect sexual servitude at a street level: is there some communication to local government from that authority?

Mr Miles—Council has not developed formal protocols but there is a level of communication with state and federal players. Council is often approached for information concerning local premises with development consent and that is readily provided. Council has not yet come across issues of sexual servitude, but the existing relationships with state and federal agencies would be utilised in exchanging that information. Finally, yes, I will be advised; I will get a phone call to tell me of these premises. There would be a standard referral from Federal Police or DIMIA to identify these premises for us and then we would undertake normal local council investigations.

Senator GREIG—The municipal area you represent has a high concentration of brothels because of its inner-city locality. Obviously there would be brothels elsewhere throughout broader Sydney and New South Wales. Is it your experience or observation that the kinds of policy approaches that you have at South Sydney are echoed in other councils? Is there some kind of uniformity in approach?

Mr Miles—There is no uniformity in approach. To talk generally to my personal experience of different planning approaches taken by councils in New South Wales, there are many local government areas without local sex industry businesses or with a very small-scale level of industry. Those councils that have significant levels of industry premises may have developed a planning approach that could seek to either prohibit the industry or greatly restrain the industry. I would characterise the current approach taken by the City of Sydney and a small number of other councils as seeking to be more actively engaged with the industry. Being actively engaged means to me to recognise the diversity of sex industry business forms—that there are different scale brothels and very different types of businesses that provide prostitution services and other types of sex service premises and that they have different levels of community impact and they also have different health risks. The current policy that the city operates with has, I believe, the greatest subtlety in both planning and health standards in response to each of those different types of users. However, I am not aware of a similar policy being adopted by other local government areas. My local council seeks to prohibit all forms of brothels.

CHAIR—By your local council area you mean where you live personally?

Mr Miles—Yes.

CHAIR—Can we ask where that is?

Mr Miles—In the mountains.

Mr DUTTON—Is there a particular demographic profile that you can identify for some of these sexual servitude victims that you have come in contact with? Can you describe them as being of a particular origin or age?

Mr Miles—In short, no, because as a council officer I have had no contact with any workers who are in that position.

Mr DUTTON—On the anecdotal evidence in today's paper, there was talk of Korean nationals. Are there problems that you are aware of with people originating from some European countries or is it mainly an Asian issue?

Mr Miles—I do not have contact with workers, so I cannot answer that question.

CHAIR—Let us get this clear: despite the fact that you are in charge of the sex liaison office at Sydney City Council, we are to believe this is Mary Poppins land and that you have never seen any evidence of any sexual servitude in any brothel in the City of Sydney.

Mr Miles—Not while I have been in a council role.

CHAIR—You amaze me.

Mr Miles—I heard anecdotal evidence previously. For 3½ years I have been in this role across both councils, but my role is to provide advice principally to the operators of the businesses.

CHAIR—So you do not actually talk to the sex workers?

Mr Miles—No, unless there are staff on site who choose to speak to us. As you would imagine, as in any workplace, the operator of the premises usually tries to maintain an engagement with the regulatory authority. We are there talking about the business and its compliance with its consent—

CHAIR—Hang on a minute, this reminds me of an inquiry I once was on where they just looked at the physical facilities and did not talk to the incumbents. Are you saying that you just get into licensing and do not talk to any of the sex workers at all? This could be rampant in the city of Sydney—and right here on this very day you have got one in your new area, seeing as it was taken over by the state government, or since moves were made to enable it to happen—and you are saying that you have had no evidence at any time. Doesn't that suggest that perhaps in licensing those premises you are not being terribly thorough in checking with the sex workers themselves?

Mr Miles—We have to work within the powers that we have, and our powers are through the state planning laws to the operator of the business. However, in addition, we require operators to give us operational plans—plans of management—for how their businesses will meet state health and safety practices where relevant to council consent conditions. I have long discussions with operators about how they will meet the health and safety needs of their staff, but I do not speak directly to workers about their safety practices. The model in New South Wales—and across Australia, I am sure—is that state health agencies and the unique sex industry peer support networks go into the workplaces and talk directly to staff.

CHAIR—Isn't that a bit unusual? I am not all that familiar with the industry, but you are involved in the licensing and are just relying on the word of the operator, rather than on what is happening at the grassroots level. Do you believe that the state government should be doing this?

Mr Miles—There are some other state government players, including WorkCover New South Wales, who have legislative powers to focus on health and safety in the workplace. When we reach the extent of our powers in reviewing health and safety standards in the workplace we seek to involve state health, sexual health services, public health units and WorkCover New South Wales, to utilise their authority.

CHAIR—From our point of view in trying to get a handle on this, this clearly is going on, and you are saying: 'I don't talk to the sex workers. I don't know about that. I just talk to the operators.' Who is going to find out about this? It could be absolutely rampant. You are licensing people without any knowledge of whether this is happening or not.

Mr Miles—I remind you of my comment that we do have an effective network across the industry, where the industry does self-regulate and does advise council of any unauthorised premises.

CHAIR—That is unauthorised ones, but that would not mean that they could not be bringing in sex workers from overseas on a trafficking basis, would it?

Mr Miles—The strength in New South Wales and the advantage that I have through my experience in having worked in a peer based organisation in New South Wales—in the five-year period I was working for the Sex Workers Outreach Project—is that that service is on the ground in the workplaces across New South Wales with a primary contact with staff. My personal opinion is that that is appropriate and the most effective way of providing health services and knowledge of other rights and access to other services. They are the only services that, in my opinion, can actually get into the workplaces and effectively have dialogue with staff. The model in New South Wales is not for council to have that role. We have neither the expertise nor the knowledge.

Mr DUTTON—Mr Miles, you talked before about a situation where one of the legal operators contacted council to inform on an illegal brothel. Has a legal brothel owner ever rung up and said, ‘The place down the road is employing women in a sexual servitude environment’?

Mr Miles—No; certainly not in those terms or in that language.

Mr DUTTON—But information along those lines?

Mr Miles—Certainly about poor working conditions—it does not run a good business or does not operate to health and safety standards.

Mr DUTTON—But no-one has ever contacted you and said, ‘I’m running a legitimate operation. We’ve had contact before and engaged the council in the planning process and are seen as being legitimate by you. There’s a brothel operating down the road and they have Korean women down there who never see the light of day. From my workers, I understand they’re held captive in that place’? That has never happened?

Mr Miles—No, and not surprisingly in a sense. There has been a long engagement between local government and the local industry, and the industry is fairly clear about what our role is and sees it for what it is—which is to regulate businesses and regulate whether they have development consent or not.

CHAIR—But in regulating businesses I think this would go to the core of what you are about. If you say you regulate but you take no notice of whether the people who are there are under very unusual arrangements, then isn’t it time you reformed your practices?

Mr Miles—I will just comment on our policy position, which is to use state planning powers regarding the operation of the premises and, when there are health and safety guidelines, to call upon those powers where we can.

Senator FERRIS—What about the anecdotal evidence that you referred to in your introductory remarks? You said you had some anecdotal evidence. It seems to me that the nub of this issue is coercion versus career opportunity, if you like, for women or people—and we are saying it is women, but there is no suggestion that it is gender specific really—who are offered a career opportunity in their home country where they look forward to a life of poverty. So the real

issue is whether they are coerced or are contractual workers, with contracts based on an agreement. You said there was a shortage of data, and I accept that, but you also referred to some anecdotal evidence. Could you outline what that anecdotal evidence is, accepting that we understand it is just anecdotal evidence?

Mr Miles—That evidence arises from a number of telephone conversations I had with workers who made contact with my employer at the time, the Sex Workers Outreach Project. We discussed their employment rights in New South Wales. To recall those discussions, which were over six or seven years ago, the area that those discussions focused on was the application of state occupational health and safety laws to people who may not have appropriate working visas. My advice at the time was that state occupational health and safety laws still applied for those workers in those circumstances. I believe that is still the case.

Senator FERRIS—It seems that if we look at other submissions that we have got—and in particular from the Scarlet Alliance—their view is that the number of women who come here who are deceptively recruited or, if you like, trafficked is relatively small and that it is overstating the situation to suggest it is a large issue in Australia and that many of the women who are recruited based on an agreed contract subsequently claim to be trafficked when they are picked up but in fact they have come on an agreement which both parties have signed off on. Do you have any comment to make on that? Again, it might only be anecdotal, but it seems to me you have had contact with the industry in a variety of ways, either as a regulator or, in a way, as a participant, helping people, and therefore you might be able to provide valuable evidence.

Mr Miles—I think I can go back to those conversations I had with a number of workers at that time, and I was aware, in advice provided to them, about what rights they had in state occupational health and safety laws. There were brief discussions about the terms of the contracts they had with their employers, and the discussions were related to contracts and their contractual arrangements and what state rights might be available to support those contracts.

Senator FERRIS—But they did have contracts and presumably they agreed to them?

Mr Miles—At that time, yes.

Mr DUTTON—Mr Miles, there are a couple of issues I would like to explore a little bit further. Chair, the issues I want to explore are probably a little sensitive and I would suggest that we go in camera to take that evidence, if that is appropriate.

CHAIR—Are you happy with that?

Mr Miles—Yes.

Evidence was then taken in camera, but later resumed in public—

[9.51 a.m.]

OSBORN, Ms Mary, Policy Officer, New South Wales Branch, Public Health Association of Australia

CHAIR—Welcome. Your submission is before the committee and I now invite you to make a brief opening statement.

Ms Osborn—I am here to represent the views of the New South Wales Branch of the Public Health Association. Basically, we are of the view that the act is inadequate in relation to trafficking a woman for sexual servitude. There are a number of reasons for that: they are not given protection to enable them to be credible witnesses; they are not given appropriate health care, including psychological care; and we feel that they should be treated as victims of crime, not as criminals. We have a number of recommendations, which are on the back of our report. Do you want me to read those out?

CHAIR—Yes, that would be useful.

Ms Osborn—The first one deals with the extent of people trafficking in Australia for the purpose of sexual servitude. The PHA strongly recommends that there be research undertaken to examine the prevalence and circumstances of trafficking in Australia and how it can be prevented and to look at the best ways of implementing good care with world based evidence. The second recommendation is to instigate an inquiry into the efficacy of existing Commonwealth laws addressing trafficking for prostitution. The next heading is to do with the Australian Crime Commission's relationship with the relevant state and other Commonwealth agencies. The Australian Crime Commission's relationship with other bodies in the Commonwealth, state and territory agencies is solely through DIMIA, which we feel is unsatisfactory. Women and children are not referred to NGOs. Women are not given protection in order to testify and they are viewed as criminals and not victims of crime.

The PHA strongly recommends that the act does not include deportation and therefore does not come under the department of immigration but remains as a criminal act. We also recommend that specialist trafficking related services be funded to provide support to victims of trafficking. We also recommend that:

Health services for trafficked women address related women's mental and physical well-being, rather than taking a narrow clinical approach—

We also recommend that:

Trafficked women who choose to return to sending countries be referred to specialist services in that country, and that Australian development aid be given to such services—

Finally, under the auspices of the adequacy of the current legislative framework, the current legislative framework does not address trafficking and sexual servitude adequately. If women and children come in to Australia knowingly but, once they start their contract, are deliberately

deceived about the nature of their work, the law does not adequately address the deception. Therefore, the PHA strongly recommends that trafficking be regarded as a high priority policing issue at both state and federal levels, that sentencing guidelines be developed that reflect the gravity of the offences involved, that Australia ratify the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and, finally, that Australia allows victims of trafficking for prostitution to stay in Australia.

CHAIR—Thank you for the work you did on this. We appreciate your input. It is helpful to us that you have developed your own recommendations. First of all, you have heard the evidence of the previous witness before us and I ask whether you have got any comments, given your recommendations and the seriousness of the issue, regarding the evidence that you have of how extensive this practice of trafficking in women is.

Ms Osborn—My background is in epidemiology, and I certainly cannot say that there is any good evidence because there are no systems of surveillance. Therefore, you cannot predict any trends—you can only give estimated numbers—and you cannot look and see whether in fact any of the interventions that are used actually make a difference. There is no reliable data.

CHAIR—You heard our previous witness saying that it is the various health bodies that check on the health of the sex workers et cetera. Wouldn't that provide some evidence of what is going on?

Ms Osborn—It would provide evidence for those women and children who actually are given access to those sorts of health services but, for those women and children who are not able to access those health services, there is no reliable data and we do not know the extent of the problems of those people. That is basically to do with the fear that these women have when they come to the country, and the fact that there is this issue of deception.

CHAIR—In terms of surveillance, what type of program would you like to see initiated?

Ms Osborn—They need to be given good, high level access, as other Australian women and children are, to the best available sexual health services. Because of the nature of their work, they need to be given psychological counselling as well.

CHAIR—But where is that going to pick up the question of sexual servitude—through the counselling, do you think? Should we be recommending that the state government, for example, initiate a program of surveillance to determine whether sex workers are involved in servitude, or should it be just through initiating these programs of sexual health care and psychological counselling that issues would emerge?

Ms Osborn—I think you would have a bit of difficulty in getting them to talk honestly about their work because they would be very afraid of talking about the exact nature of their work and how they got to Australia in the first place. As we said in one of our recommendations, the current legislative framework is not adequate. It does not actually give them protection to testify. That is one of the problems. You are never really going to be able to get the women to feel that they can openly admit to the nature of their work.

CHAIR—Your first recommendation is:

The Act does not include deportation and therefore does not come under the Department of Immigration but remains as a Criminal Act;

What are your reasons for not recommending deportation if they have come here illegally?

Ms Osborn—I am sure you know about Project Respect.

CHAIR—Yes.

Ms Osborn—It is a project that we help run. Its evidence shows that, after they go back to their country if they have been deported, they do not get very good care. They are treated as criminals back in their own country in some cases.

CHAIR—You have a system where a number of these people come down from those countries as part of our agreements for working holiday visas for the young people under 30. Could this become a means whereby you could stay in Australia? You could come down as a sex worker.

Ms Osborn—I do not think they would fit into that category.

CHAIR—They obviously would not declare that they were coming down as sex workers. The evidence says that a whole number of them have come down under those types of arrangements but under a different category obviously—that is, as a receptionist at a hotel or whatever. Wouldn't this represent an easy way into the country? They could say, 'I've been trafficked, I've been a sex worker and therefore I shouldn't be deported.'

Ms Osborn—I think the basic issue is that you are always going to get people who are going to come into this country illegally, whatever way they come here. They may come here as receptionists for hotels, but we are concerned mainly about those that come here and are deceived about the nature of the work so that when they get here they are confined. That is the trafficking that we are really concerned about. Deporting them back to their country really is not the answer.

CHAIR—Why would they be under threat if they have been brought down here? Say, for example, they were a worker at a bar in Bangkok and they were brought down here, thought they were going to be doing a similar role here but found out they were in a brothel. If they were sent back, why would they be under threat?

Ms Osborn—Because the people that organised the trafficking in the country they came from would make sure that their life was miserable. Their families might have sold them to the trafficking organisation. There are a number of those sorts of cases. It could be very difficult for them to go back to their country if they are deported. Their families will lose out. You know the sorts of stories.

Senator FERRIS—The Scarlet Alliance's submission says that the projects they operate have close to 100 per cent access to sex industry workplaces in the major cities. They go on to say that there would be 300 to 400 women on contract in any one year but that in the last year they have had contact with only 10 individuals who have been deceptively recruited—that is, who did not

consent to working in the sex industry or to the conditions of the contracts that they had. I am trying to get to the extent to which you think this sex slaves issue is really an issue or whether you think the issue of illegal workers—whether in the sex industry or in the textile, clothing and footwear industry—is wider and that this has been targeted to the sex industry unfairly in a way. The issue of illegal workers working in slave like conditions is also well understood in the textile, clothing and footwear industry. I wonder about the extent to which the sex slaves tag is unfairly put onto the sex industry when actually it applies to a wider range of people in Australia in any case who are exploited in other workplaces.

Ms Osborn—That is a very complex question. On my understanding of people who come here and work illegally in the clothing industry, that is another issue. We are talking about those that are trafficked here for sexual servitude.

Senator FERRIS—But Scarlet Alliance say they have come into contact with only 10 in the last year who have been deceptively recruited, and they say that they have contact with almost 100 per cent access to sex industry workplaces in the major cities.

Ms Osborn—Well, I am not aware of the Scarlet Alliance and where they get their data from and how accurate it is. Is that an accurate assessment of everybody that comes into Australia? In any case, even if it is 10 people, that is 10 people too many. If those 10 people come to grief as that woman did in Villawood, that is appalling. Australia has a very sophisticated health system. Most people can access good quality, high-care health services and special sexual health services, so why can't these people? Why can't those 10 people have the same sort of treatment?

Senator FERRIS—I am not suggesting they shouldn't; I am simply saying that we are trying as a committee to get an understanding of the breadth of this problem, and it seems that much of the evidence is anecdotal. I am simply asking whether you would agree or disagree with what appears to be quite reasonable evidence from this alliance of sex workers that say they have access to almost 100 per cent of the workplaces in the capital cities.

Ms Osborn—I cannot comment on that.

Senator GREIG—You have argued in your submission that the act is inadequate in dealing with deportation. We do know, though, that the minister has in his or her power the opportunity to issue a criminal justice stay visa so that women who are alleged to be trafficked can have that visa issued to them, they can stay in the country and they can then provide evidence to any subsequent inquiry or investigation. My understanding is that Minister Ellison has issued a couple of those criminal justice stay visas in recent months for some women from the former Soviet Union who have alleged sex trafficking. Do you think the combination of the act and the opportunity of that visa redresses your concern?

Ms Osborn—Yes, it does, partly. I think that is a very humane way to address that problem. But those visas were only issued after we wrote our submission. The other thing is that we are not aware of the number of people who have been convicted under the act. As far as I know, at the time of writing the submission there was only evidence of one person—a person in Melbourne—and they had a fairly light fine. I do not think it is going to change unless they are given some sort of protection to testify.

Senator DENMAN—By being given protection, do you think that more women who are illegally trafficked would come out of the places, if it is possible—it is not always possible for them to get out? Do you think that would give them some incentive to come forward?

Ms Osborn—Absolutely, and not only would it help them come forward; it would help them better access health care services. I am not aware of the Scarlet Alliance and where they get their sample from or any of those sorts of issues. I would have to look at that a lot more closely before I made a comment. But, yes, I most certainly think that is the case.

Senator DENMAN—And therefore, for those women who do not come forward or who are returned to their home country, one of your major concerns is that they go back to the home country with some health issues that are not going to be addressed and the problem spreads.

Ms Osborn—And that is why we suggested maybe one of the aid organisations actually puts some money into addressing those sorts of services in those countries.

CHAIR—Thank you very much for coming today. We appreciate the input.

Proceedings suspended from 10.09 a.m. to 10.51 a.m.

FAWKES, Ms Janelle, President, Scarlet Alliance

McMAHON, Ms Maria, Manager, Sex Workers Outreach Project

CHAIR—Welcome. Do you have any comments to make on the capacity in which you appear?

Ms McMahan—I am the manager of the Sex Workers Outreach Project, which is a member organisation of the Scarlet Alliance.

CHAIR—Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. As I discussed with you before, if you wish to go in camera at any stage you should feel free to do so. Just advise me if you would like to go in camera. Your submission is before the committee. I now invite you to make a brief opening statement before we move to questions. It might be useful, as we discussed outside, if you could provide an overview of who funds you and of the general roles that you are involved in, so that we can get a bit of a feel for the organisation.

Ms Fawkes—Scarlet Alliance is the national forum of sex worker organisations and projects in Australia. Currently in most states and territories there is a sex worker project, and in one state, being Queensland, there is an organisation. We act as the peak body, if you like, of those sex worker organisations and projects. We formed in 1989. Most of the members of our organisation get health department funding for the majority of their funding.

CHAIR—Is that state funding rather than federal?

Ms Fawkes—That is right. It is state funding. In some cases that is matched in a small way with Commonwealth funding. The member organisations from time to time do projects and that is where other funding comes in, and it comes from various sources.

CHAIR—Other sources like who?

Ms Fawkes—It could be, for example, justice or Commonwealth—

CHAIR—So it is all government funding?

Ms Fawkes—That is right, yes.

Ms McMahan—It is from government departments and other community sector NGOs, like the Law and Justice Foundation, for example, funding legal education and that kind of thing.

Ms Fawkes—The member organisations which make up Scarlet Alliance provide services directly to sex workers in their place of work, whether it be a brothel, a private worker's home environment, an escort agency or on the street. The member organisations also have an office, and a lot of work is conducted on a drop-in basis—people come in to the service. The service is predominantly around health of sex workers, so we provide HIV-AIDS and sexual health

information and education, including information about unsafe working practices for sex workers, use of condoms and safe sex equipment and occupational health and safety standards in the workplace. We also go into industrial relations and the legality of the various sectors of the sex industry, which vary in each state.

CHAIR—This is with the workers rather than the employers per se.

Ms Fawkes—That is right. We certainly have contact with the employers, in that, in order for us to go into a brothel, we have to have a working relationship with the receptionists or brothel owners in order to facilitate contact with the sex workers working in those premises.

CHAIR—Do you get refused at any time in going into brothels?

Ms Fawkes—There certainly have been times when our member organisations have been refused, yes.

CHAIR—What happens then?

Ms Fawkes—It is about us attempting to build the bridges there. We might give it a little time, but most of the organisations provide stock sales as well, so that is something that is often seen—

CHAIR—Stock?

Ms Fawkes—Safe sex equipment like condoms and lubricants is taken by the outreach team to sell to the workers at low prices. Often management of premises will see that as necessary.

CHAIR—We spoke briefly before about this. Is it possible, though, that the premises that you are being refused entry to may be those that are involved in the trafficking and they do not want you to have access to the women for fear that they may tell you about their particular situation?

Ms Fawkes—I can speak about in particular the Western Australian situation of the sex worker project there, and the times we were refused entry were the times when management of often the largest brothels decided that the information that we were providing to the workers was not what the brothel managers wanted the workers to receive, in that we were providing them with information which was in opposition to what they were being told.

CHAIR—Safe sex, you mean.

Ms Fawkes—Not just safe sex but their legal rights and industrial rights. Industrial rights is definitely a major one. In particular there have been cases where the information provided by brothel owners about safe sex practices has varied from the truth. That is another time we have had conflict with management of brothels.

CHAIR—Ms McMahon, do you want to make an opening comment, as well as commenting on that issue I raised with you about the extent to which, in order to maintain the relationship with the owners, you are not bringing out some of the factors that may occur in terms of trafficking.

Ms McMahon—I guess our organisations have been cautious in how we present information about this issue, because we have a relationship with the owners and operators, who may or may not have contract workers or migratory sex workers working in their businesses. We have a working relationship with the premises, so to speak, in order to access the people we are funded to access—the sex workers—whether or not they are working in authorised or unauthorised premises and whether or not their immigration status is legal or illegal in terms of work and so forth. So, although we may have knowledge of the circumstances and a general picture of each premises, our main objective is the health outcomes.

CHAIR—So you do not feed the information back to DIMIA or anyone, saying, ‘They have got some illegal workers there.’

Ms McMahon—We do not take a compliance approach, because that is not our job.

CHAIR—I understand.

Ms McMahon—We are mainly there to support the sex workers’ best outcomes for their health and safety. If they contract a sexually transmissible infection in the workplace or are harmed through occupational health and safety mechanisms and practices being poor, we have to wear that as an organisation because that is our role. We are the only organisation that is funded to access those people specifically, day in day out.

CHAIR—How do your two organisations differentiate themselves in terms of functions?

Ms Fawkes—The Scarlet Alliance as the national forum acts more on national issues whereas the member organisations work very much on a state level, although they have the one on one contact with sex workers in the workplace.

CHAIR—So you are just the peak body.

Ms Fawkes—That is right.

Ms McMahon—That peak body meets only once a year. It is unfunded; it has a small communications budget provided through the Commonwealth Department of Health and Ageing via AFAO—the Australian Federation of AIDS Organisations—whereas the member organisations are functioning service delivery organisations. We have up to 17 staff going out on outreach five days a week, including at night-time—all different types of shifts. We have a functioning, direct contact with sex workers through the member organisations whereas the peak body is looking at national issues, policy issues and advocacy on those issues for its members.

CHAIR—We will move into the key aspect of the inquiry. I noticed in your submission that in your view there is not a great incidence of trafficked women but that there has been a lot of speculation. This has been said before at this inquiry. What leads you to that conclusion? How many trafficked women have you found and in what circumstances? How widespread is it? When these women get picked up by the police are they simply saying that they were trafficked as a way of providing an excuse and perhaps making a claim for refugee status in the country? Could you give us some views on that?

Ms McMahon—In our executive summary, which is in the submission we made—

CHAIR—Thank you for the submission. It was very good.

Ms McMahon—Thank you. In that submission we were speaking to the scale of this issue. Our measure is based on looking at migratory sex workers or contract sex workers who are coming into Australia on a verbally arranged contract to work in the sex industry.

CHAIR—How many come from overseas to take the jobs? Let us first separate out the trafficked women. What is your understanding of the number of women who are coming from overseas specifically to work in the sex industry?

Ms McMahon—It is difficult to know. A recent survey, which is unpublished, from Sydney Sexual Health Centre shows that more than 50 per cent of the 140 or so women who were interviewed came here with their own visas and with their own arrangements, quite often to study. When they came here, one of their options for employment—employment that students can take up, say, in Sydney or in Melbourne—is in this industry, working in massage sectors or in brothels. It seems that a large number of those women who are coming into Australia and who are non-residents, non-permanent residents or non-citizens are here for other key purposes. Their primary purpose is to study. The fact that they are working in the sex industry is a secondary activity to their primary purpose.

CHAIR—Their visa applications were as students?

Ms McMahon—They were legitimate, they were self-directed, they were of their own agency. They are not—

Senator FERRIS—And no coercion.

Ms McMahon—No. They have come here as independent travellers.

CHAIR—What were the numbers you mentioned?

Ms Fawkes—Fifty per cent.

CHAIR—What is the total number in Australia?

Ms Fawkes—The figure that Maria mentioned referred to 50 per cent of those in the Sydney sexual study.

Ms McMahon—There were 144 women in that study, and of those only 11 had indicated that they had some kind of contractual or agent type arranged visit—so someone assisted them in exchange for money or they were actually on a contract. That is less than 10 per cent of the interviewees in that survey.

CHAIR—I imagine that within that 10 per cent some of those contracts could be regarded as legitimate types of contract arrangements—that they would stay for a certain—

Ms McMahon—Yes.

Senator FERRIS—Or coercion.

CHAIR—Rather than coercion.

Ms McMahon—That is right.

CHAIR—We are only talking about small numbers. Were there some in that group who indicated that they were under coercion?

Ms McMahon—No. Those questions were not asked by that survey. The way that we have arrived at our information is through looking at what we know from our member organisations. We have organisations in every state outreaching to virtually every workplace that advertises, which is the majority of the sex industry—they must advertise in order to attract the clients. Our estimates match those of the Australian Federal Police in terms of the scale in numbers of women coming in on some form of contract. Those estimates say that between 300 and 400 women come into Australia in any one year on some kind of arranged contract. Of those women, our organisations know of only 10 individual cases over the last 18 months to two years where the women themselves have indicated that they were deceptively recruited, they did not know they were going to work in the sex industry or the conditions of their employment varied to such an extent that they were very unhappy with the circumstances and attempted to leave the workplace. So, out of 300 to 400 women that are coming in in any one year, our direct contact, advice, support and information delivery to individuals has totted up in the last 18 months to two years up to 10 of those women that we know of that have come in who have had that story to tell of having been in circumstances that were not to their agreement.

CHAIR—We formed a subcommittee of this committee to have some discussions with a brothel owner who claimed to have knowledge in this area and brought to us some of the sex workers involved who claimed that they were part of the situation of being trafficked. Do you think it is possible that in a competitive environment perhaps some of that is aimed at removing some of their competitors from the scene?

Ms McMahon—Absolutely. That is certainly functioning as a mechanism in Sydney. We have a sex industry task force set up in the Department of Immigration and Multicultural and Indigenous Affairs in Sydney which has an active role to play. It works to some extent in the favour of competitors to be able to make those anonymous phone calls to the toll free number and say, 'I believe that there is a person at such-and-such an address who is an unlawful worker.' That is all they need to say for that action to kick in—the sex industry task force is then obliged to visit that address. That toll free number is used in all kinds of industries. The DIMIA officers have said that to a large extent with any industry it is quite often the competitors who are dobbing rather than anyone else. So it is quite a common practice.

CHAIR—Could it also be the person who arranges the contract and wants to get rid of their obligation—so they ring up and then they are out?

Ms McMahon—It is a convenience which I believe some of them would take up, because it is instant. The response is within 24 hours, so it is a convenience to them.

CHAIR—What about DIMIA itself? Is there any evidence that there might be some phone calls before a raid to advise people about it? There has been some suggestion of that—whether it is legitimate or not, we do not know. Please tell us in terms of your own experience.

Ms McMahon—I have heard owners say that, because they have had experiences where they have been visited and some other places in their area have also been visited but there were no workers on site at the time, which is extremely peculiar—you do not run a brothel without sex workers.

CHAIR—Yes. That would be difficult.

Ms McMahon—Their understanding then is that someone has tipped off those owners and operators to remove staff who may otherwise be of interest to DIMIA. It is simply the observation of a person who is an owner/operator in an area where quite a number of brothels exist.

Senator FERRIS—What about that issue of churning, where people are picked up, deported and then just sign another contract and within a couple of months are back again? It enables that owner to bring in new people, ship them out and then bring them in again and appear to have new people again.

CHAIR—If they had been deported, they probably would not get a visa to come back in, would they?

Senator FERRIS—They did not come in legally in the first place.

Ms McMahon—It is our understanding that the majority of the women coming in here on contracts want to work here in Australia; they have consensually agreed to come here on these contracts. The contract debt fee is exorbitant—\$35,000 to \$40,000 is common. That in itself is of concern. But the consensual nature of their agreement to the contract means that they are willing to participate in the processes of getting themselves here. They are not coming on planes kicking and struggling; they are actually sitting there looking forward to making money in Australia. The barriers to their migrating legally in the first place are our migration policies. We have a kind of black-listing system which has prioritised the overstay risk potential in individuals, so a young woman who is, say, under 25, has no permanent employment, no record of employment and a poor educational background and is coming from Thailand, Korea or a range of other countries will not be given a visa unless she is coming on an organised tour where she is paying big bucks or where she is paying big fees to go to an educational institution.

That means that the women who are in the sex industry and do wish to try to work in Australia are forced to then make the arrangements through these mechanisms with agents who arrange their travel, their accommodation and their workplaces and brief them on how to avoid detection. When you have those mechanisms in place, it is quite likely that a woman who was making good money—and perhaps sending home to her family one day's earnings per week—but whose contract is interrupted will re-recruit herself into the system to come back. We have spoken on the telephone through our services with young women who are in Villawood, and their first questions are: 'Will my passport have a stamp in it that prevents me coming back? Do I have to get a new passport somehow if I want to come back? How long does it take to get deported

before I can come back?' They are solely focused on coming back, even though they are in a contract.

CHAIR—Is there evidence of these people who come down on the contracts thinking that they are coming down to perhaps work in a bar and not actually in a brothel? One of the people I had contact with as part of the subcommittee claimed that she thought she was coming down to work in a bar and then found herself locked up in a brothel.

Ms McMahon—That is where we are referring to the 10 cases that we in our organisation are aware of who were deceptively recruited.

CHAIR—The 10 fit the profile?

Ms McMahon—They believed that they were going to be doing cleaning, bar work, restaurant work or some other kind of service work and did not understand and were not told that the work would involve providing sexual services or working in a brothel or any of those types of workplaces.

CHAIR—Were your people in Scarlet Alliance involved in meeting with these women and discussing it or not?

Ms McMahon—We are often asked for information in a sequential series of interactions, I suppose you would say. We may have a caller who asks us a question on behalf of a contract worker or we may have that contract worker contact us either directly in the workplace as we outreach to the workplace or on the telephone. They will sequentially put questions to our staff that give them the information about some of the options that they might need to take up if they want to leave. That is naturally our service provision. If someone says, 'If I have this type of visa, what would it mean if the department of immigration were to visit me?' That will be a question they might ask.

The reason they are asking is that they may intend to trigger somehow—through a client or a person in the community that they have made contact with—a call to DIMIA to raid those premises in order to get them out. That is the kind of thing that may happen. Our organisations are at the forefront in providing the information that builds up so people understand their options and what would happen: if they do this, then that will happen; if they do that, then this might happen.

Senator DENMAN—Are there language barrier problems with some of these women?

Ms Fawkes—Do you mean in making contact with our organisations?

Senator DENMAN—Yes.

Ms Fawkes—Many of our organisations have specific funding around having a project and project workers who are bilingual, so we often have somebody on outreach. Especially if the member organisation knows, for example, that that brothel in particular often has many Thai workers, they will often take a Thai-speaking person with them. For example, SWOP, which

Maria might want to speak about, employ people who are outreach educators and speak different languages.

Ms McMahan—We have staff on our team speaking Chinese, Thai, Korean and Japanese who work part-time. They go out on shifts for about seven hours—it might be in the evening or in the daytime—and they might also go in partnership with some of the sexual health services who also have bilingual or multicultural outreach staff speaking Chinese, Thai, Korean and some of the other key community languages. We make up pairs of people out of our partnership agencies or our own staff to cover the language groups that are in the industry, so women can speak directly to someone in their own language. That sometimes gives some confidentiality to the discussions. They might be working for an Australian owner-operator, but they can be standing right in front of them talking about their visa and maybe mentioning their contract and so forth in that interaction, because they are speaking their own language, which that person is known not to understand.

Senator DENMAN—But these are women who are working legally. What about those—

Ms McMahan—No, all.

Senator DENMAN—All of them?

Ms McMahan—Yes, we have a lot of contract workers who will talk about their workplace and their contract. They will say things like: ‘I’ve still got another 300 customers to see, and then I’ll have finished my contract.’ They will talk about where they are at in their contract, because that is really relevant to their work. I know people are shaking their heads, but it is normally—

CHAIR—We are not shaking them in disbelief.

Senator FERRIS—It is just how awful it is to have to describe your contract like that.

Ms McMahan—I suppose we have to work 487 days each year to get our salaries! We all have our own burden in terms of work, and I am not saying that lightly.

Senator FERRIS—No, I understand.

Ms McMahan—Sex workers in Australia see six to seven clients a day in any brothel, whether they are an Australian resident or an Australian citizen. That is the normal workload, so when they are talking about these numbers it is because that is how the contract has been calculated.

CHAIR—The comments that were made to me in our subcommittee by the trafficked sex workers were that they would get to the end of their contract, then the call would go in to DIMIA about some illegal sex workers and then they would be gone. There was no ability to stay on and make any reasonable money; they were just there for the contract.

Senator FERRIS—Hence my question about churning.

CHAIR—I think they were quoting a figure of 800 clients they had to service as part of their contract.

Ms McMahon—The unpublished research from the Sydney Sexual Health Centre shows—and our own understanding is—that it is an average of 700 clients for the contracts at present, but if they work in different sectors of the industry the number might be greater, because the price of the service is different. If they are working in what is called massage then the client number might be greater because the fee per service is lower and the type of service is not penetrative sexual services, whereas if they are working in what is called a full-service brothel, where the fee the client is paying is much greater, then those women are on a lower number of clients per contract.

The actual figures we are hearing are \$35,000 to \$40,000, which is an excessive fee to pay for all the things that need to be arranged for them to come here, but that is the risk—in terms of their work—that they will take in order to have the opportunity to come here and work and perhaps go back with \$5,000, which is more money than they would ever be able to make in their lives in their home country. It is the pot of gold at the end of the road. That can be earned by a very good, very active sex worker in about two weeks, if she wishes to. So if they are on a three-month tourist visa and they finish their contract they can make that money. But, as you say, if the contract is interrupted by a call being put into DIMIA, then in fact they have simply been a participant in something which is excessively profiteering from their work. Many of them have not made money.

Ms Fawkes—Which is what we attempted to get across in our submission. When we talk about it, it is an issue of migration and the way in which the Australian immigration policies create barriers to that migration. In effect, in a way we create an environment where these women have no opportunity if they intend to come and work in Australia but to participate in these contracts and—

CHAIR—So what do you recommend then in terms of changes to our policy?

Ms Fawkes—We go into detail in our submission, but certainly part of that is thinking of the sex industry as an industry and dealing with it as we would with any other. The migration of workers to work in that industry would be dealt with in the same way as for other industries. Working visas of a type should be available to those women who seek to come into Australia and work in the sex industry in order to remove any potential vulnerability or opportunity of exploitation or coercion. They would be working here legally and would be unafraid to report unfair occupational health and safety situations et cetera.

CHAIR—But if in fact there are a lot of them coming down on other visas then it obviously is not a major impediment. Say for example we say that we are going to allow 300 sex workers in each year. Once you reach your quota, you would be back looking at contractual arrangements. So do you think that would necessarily solve it?

Ms McMahon—There is a certain supply and demand relationship though. The industry does not have an exponentially thriving scale; it has a scale which is contained to some extent by the available disposable income of the numbers of men who would potentially be clients. It would not open the floodgates, so to speak, if you had a working visa or a business migration

sponsorship arrangement—I cannot remember the exact term that DIMIA uses. It does not mean that you would have these 300 places filled by legal workers and then there would still be lots and lots of work for contract workers. It would actually to some extent level out that demand and supply relationship.

Mr KERR—It has been put to us that as well as this predictable and acceptable face of the sex industry there are a group of clients who seek services that are not available through that reputable side. The thoughts that motivates some of the submissions and the reflections of our committee members are that that is where people who are brought to this country in circumstances of misuse are placed. So saying that there is a market demand in that sense does not really address what I would estimate to be a very small subcomponent—I do not have any factual knowledge—of people who, for example, want to have unprotected sex or who want to involve themselves in humiliating sexual acts with women or, potentially, boys.

Ms McMahan—That, though, is from our perspective where you are talking about people who are consensually working in the workplace as professionals versus those cases of sexual servitude which are, to our knowledge, extremely rare. There may be those clients who seek out those services and who continuously seek out those particular workplaces if there are those workers there, but it is such a minority. Less than 0.1 per cent of all of the people coming in, whether they are on contract or whether they are lawful migrants who are working in the sex industry, would be put into that situation, which is against the law in a whole range of ways—if they are being sexually assaulted, held against their will or kidnapped, for example.

Mr KERR—I suppose that all I was really saying is that the measure that you are proposing does not really address the fear that motivates the establishment of this inquiry. It may well be a—

Ms McMahan—But it does address the majority of their needs.

Mr KERR—Perhaps it does, and that is the point that I would really appreciate your assistance with. I am not unsympathetic to what you are saying, but I suppose I am seeing this as a bit of a side wind to the inquiry.

Ms McMahan—I guess our objective is providing security and the same occupational rights for the 300 or 400 who are currently coming in on these excessive profiteering-type contracts. Having a working visa would pull the carpet out from that system for those larger numbers—the 300 or 400. For those deceptively recruited women—the very low numbers that we are aware of—we do not know how having a working visa would assist them necessarily or not. If that were the purpose for which a person contacted them in their home country and managed to bring them here, that would probably not be addressed by such a visa. Our concern is that the majority of the women on contract are not getting the same occupational health and safety and workplace rights, because of the status they have within the contract system, where their papers and their visas may be falsified, where they are working illegally, where they have been issued with a tourist visa and in fact should not be working but do work until they are caught et cetera.

So we are concerned, I suppose, to try to shift the environment in which the majority of the women who are migrating into the sex industry are finding themselves when they arrive here. It is of interest that we are not having an inquiry concerning British, Canadians or Europeans

working in the sex industry—even though there are hundreds and hundreds of them working in the sex industry right across Australia as we speak. We are not having an inquiry into those women, because they are not coming in unlawfully. They can come here with a six-month working visa and work in the legal industries that we have around the country. They are not being stood over, they are not being coerced, they are not forced into excessive contracts. In fact, they are free, of their own agency, to enter the job, leave the job or move to another job, because of that visa status.

Mr KERR—So you put this largely on the same basis as those who advocate, for example, the kind of visas that would allow backpackers to work in the fruit-picking industry or something of that kind—

Ms McMahon—Yes, that is right.

Mr KERR—It recognises that there is an existing labour market that is being satisfied by illegal entrants, and you wish to erect a framework that protects those people from exploitation?

Ms McMahon—That is absolutely correct, yes.

Ms Fawkes—In effect, although that does not answer your question directly, it does, as Maria was saying, relate to those 300 to 400 people. They would certainly be in a much more empowered position to enforce the use of condoms and negotiate safe sex practices in the same way that people who work in the Australian sex industry currently do—which is reflected in the statistics which demonstrate very low rates of the STIs and HIV among sex workers in the Australian sex industry.

CHAIR—Is there a differential of the rates on non-Australians?

Ms McMahon—No. There is very little evidence from the major clinics providing these services, which are in the cities—in Melbourne and Sydney in particular. The sexual health of the sex workers from Asian backgrounds, for example, is actually better than the sexual health of people of the same demographic in the general population. If you compare the STI and sexual health rates of Chinese, Thai, Korean and Japanese students—women under 25, for example—with these women, their health is generally better because they are working in an environment where safer sex practices, safer sex equipment and a culture of safe sex is the predominant culture within the workplace.

It does not work in the sex industry for the individual sex workers to be at risk of disease transmission, because they eventually cannot work. If a contract is made with someone, it is actually in the interests of the owner of that contract that the worker is as healthy as possible and protected. There is a lot of discussion about how contract workers do not use condoms or may be forced not to use condoms, but in fact it does not really work in the long run as an investment for the contract owner if his workers become unwell, because they then have a problem with their work and with completing the contract. So it is a problem.

Senator GREIG—If there were an opportunity for women to come to Australia with working visas to work lawfully as sex workers, might that present some social or cultural barriers? Might it be the case that women, particularly from Thailand or some similar country, would be reluctant

to put on an official form that they were coming to Australia for sex work? Or was that not what you were suggesting?

Ms McMahon—I am not sure what level of stigma or discrimination might be attached to that occupation in their own country. I believe there are some moves afoot to decriminalise or regulate the industry in Thailand at present. From our understanding, there is a cultural stigma attached to being a sex worker in Thailand. One of the major concerns for the majority of contract women who are picked up here is whether it will be known back home when they are deported that they were found to be working in a brothel. We have tried to find out what sorts of things they might want to say when they arrive back if they are asked, ‘What were you doing when you were deported?’ So we brief them a little to assist them with that. But I think the countries of origin certainly have, just as our country has, a certain discriminatory stigmatised approach to sex work that makes it awkward to put that occupation down on anything, whether it be a tax form or your description of your occupation for other purposes. Various types of categories of visa can be developed that do not state specifically that the person is going to be working in a sex industry setting. Broad categories, such as entertainer, hospitality and so forth, could be the title of the visa. The detail might be in a section visa with a code which only DIMIA would recognise. If you have ever looked at any visas, I reckon only DIMIA can tell you what they are, because they have about eight numbers and five letters, and you have to know the language to know what they mean.

Senator GREIG—Regarding the European and North American sex workers you said were here but were not being investigated, what kind of visa might they be coming into Australia under currently and how does that not relate to the women from, for example, Thailand?

Ms McMahon—They are coming in of their own accord with the sorts of visas that travellers can obtain. There are categories of visas offered to young people under 30 years old in some countries where Australia has a reciprocal arrangement. Australian young people can travel to a range of former Commonwealth countries with, for example, a six-month working holiday visa, and with the reciprocal arrangements we have backpackers—that is the sort of general label you could utilise—from those countries coming here. Those people can then work in the sex industry lawfully—because the industry is legal in a range of states here—without any impediment, because they have a working visa. It is a broad working visa. Again, there is no reason why, if a visa were to be considered, Australia should not move to a more open approach to immigration generally from some of the countries of origin in the Asia-Pacific region. We could be offering working visas to a range of significant population groups—young people from some of the key countries we are talking about.

CHAIR—Regarding the ones that were trafficked, the countries involved included Thailand and Cambodia. I think we have a working holiday agreement with Thailand but not with, for example, Cambodia.

Senator FERRIS—What about with Korea?

CHAIR—I understand we have one with Korea.

Ms McMahon—I do not believe there is one with Thailand at all. There is an electronic visa.

CHAIR—We should check that out. I hope we have a list.

Ms McMahon—I think the countries do have different visa processing arrangements. Korea, Malaysia and Japan have what are called electronic visas, and that has been of interest to DIMIA in looking at where contract workers come from, because the issuing of electronic visas has meant that processing is less scrutinised, so that is a potential pathway for people to come from another country into Korea, Malaysia or Japan and then be moved on from there as part of the arrangements that are made. But that is just looking at how migration and ease of travel could occur for those people.

CHAIR—Is there any evidence of the reverse—of Australians working as sex workers?

Ms McMahon—Absolutely. Our office has a staff member who specialises in offering advice on the different countries that Australian sex workers travel to most often. Our organisation has an international liaison officer who works with sex worker organisations in a range of other countries, and part of the work that that person does for our organisation is giving information on different types of visas, the types of workplaces and the contact organisations that they might visit when they arrive in these countries. Australian sex workers are an extremely mobile population because we have one of the most welcomed passports in the world and are less likely to be scrutinised on arrival in many countries, even though our people may be working in a variety of ways which are technically unlawful but are not pursued.

Ms Fawkes—Something we put forward in our submission was the idea of how Australia relates to, and Australian sex worker organisations have the ability to relate to, the peer based sex worker organisations operating in the countries of origin, as we are calling them, because we believe there is a great opportunity to provide education to people currently working in the sex industry in those countries about the realities of the workplace—conditions, prices et cetera—that they would encounter in Australia if they were to agree to a contract. We believe that the level of education that could happen at that end could result in people coming here from a much more informed position. Therefore, they would be able to make more of an informed decision before they agreed to a contract.

CHAIR—That is quite a useful idea too.

Senator FERRIS—Have you had an opportunity to see the story on page 3 of today's *Australian*? Perhaps you might like to have a quick look at it.

Ms McMahon—Yes. I actually read it because Andrew Miles passed it to me as he left.

Senator FERRIS—Do you have any comments to make on that?

Ms McMahon—This is rather similar to the sorts of circumstances in which we have had some contact with deceptively recruited individuals. Information that gave these women some idea of what they might think about doing if they wished to leave a contract may have been provided over time to these premises—or it might have been information on what might happen if DIMIA were to visit the premises. Those questions have probably been asked sequentially over a range of outreach visits. These premises are among the premises that we would go to on outreach, but that does not mean that those women have revealed their circumstances at the time

our staff have gone in there. They may have been told on arrival, for example, that they should not talk to people, because if they do they risk being deported. It takes them a number of weeks to find out that perhaps that is not completely true. Then they start to inquire about what they might do if they wish to leave, and they may make such a decision as, 'Okay, nobody is here on the premises. It's time. We'll go. We'll take the chance and run.' It seems that what they have done here is run away.

That is how they would need to plan if they were going to do something like that. They would need to seek the information, think through what their options were and understand what might happen to them afterwards. Workers have told us afterwards—sometimes many months or even years afterwards—that when they left a workplace and ran away they had a very poor reception at the local police station or the authorities that they went to. Some of them actually had to shop around to find a police officer who would even listen to them. Such women have been dismissed as being hysterical, as making up stories, as being bizarre and all of these sorts of things, when in fact they are probably the most needy individuals, in terms of needing protection and some support, who have ever walked in the door of those police stations. So this is the kind of story that we are referring to when we say, of the 10 cases that we are aware of, that this is the sort of circumstance where our agencies have become aware of their situation. I do not know of these owners. It seems as though they have recently arrived themselves. It is a pretty peculiar situation.

Senator FERRIS—Recently taken over the business, anyway.

Ms McMahon—Yes, that is right.

CHAIR—Thank you for that. It was a very helpful and useful backgrounding for us. I thank you for the openness of your answers.

Ms McMahon—Could we send another couple of documents to the inquiry? We have wrapped up some materials that we had drafted previously, so we can send them through to you.

CHAIR—That would be useful. Thank you very much for coming. We appreciate your input.

[11.42 a.m.]

MAZZONE, Ms Monica, Domestic Violence Policy Officer, Immigrant Women's Speakout Association

CHAIR—Welcome. Information on parliamentary privilege and the protection of witnesses and evidence has been provided to you. The committee prefers all evidence to be given in public, but should you at any time wish to go in camera please feel free to ask to do so. We invite you to make an opening statement. As part of that, you might outline the particular role that your organisation has and how it interacts with people in the particular group that we are looking at at the moment.

Ms Mazzone—Immigrant Women's Speakout Association is the peak organisation for migrant and refugee women in New South Wales. We have a number of projects. Working with migrant refugee women in domestic violence is one of our main projects. We also work with an employment project, family support and a Families First project. As far as I know, we do not have any clients that have identified as being trafficked. We do not work in the sex industry. We put in a submission because of our experience in working with migrant and refugee women, particularly our experience in working with migrant women in domestic violence; there are parallels that you can draw between working with women in domestic violence and working with women who have been trafficked. I do not think I can offer a lot of in terms of the incidence, for example, of trafficking in the industry, but it is more about how to assist women who have been trafficked and how to work with women in this situation.

CHAIR—Have you had women in this category come to ask for your assistance?

Ms Mazzone—If they have, they have not identified as such. They have maybe come looking for employment, or whatever, but none of them has said that they have been trafficked or anything like that.

CHAIR—What would your advice be if women such as the ones identified in the *Australian* newspaper today contacted you? What assistance could you provide to them?

Ms Mazzone—We could provide some assistance in terms of crisis counselling—like we provide in domestic violence situations—and assistance with practical matters like finding a place to stay and that kind of stuff. We also assist them with contacting the police and we are basically a support to them.

Senator FERRIS—Would it be your view that there are many women who would fall into the category of sex workers who come to Australia, either on contracts or as a result of coercion, who subsequently try to escape who might find their way to organisations such as yours?

Ms Mazzone—As I say, we do not work with clients in that way. I have been part of the New South Wales working party into the sex industry. I think DIMIA was part of that, as were the police and various organisations. The number that came out of the working party was that there

are about 1,000 women in Australia under those conditions at any one time. But, as I say, I do not work with them, so personally I cannot say whether this is right or not.

Senator FERRIS—But they may identify themselves as being domestic workers anyway, given the stigma that is attached to sex workers.

Ms Mazzone—Yes. That is why I am saying that, as far as I know, nobody has identified as such. But that does not necessarily mean that nobody is.

Senator DENMAN—From what you have said, I should not think that you have any indication of the extent to which organised crime is involved in trafficking.

Ms Mazzone—No more than what I have already said—no more than what came out of the New South Wales working party into that.

Senator GREIG—I will ask you a similar question to the one I asked the previous submitters, and that is—to say it a different way—do you think there are some social or cultural factors which contribute to the difficulties of trying to address the issue of sex trafficking?

Ms Mazzone—Yes, I think so.

Senator GREIG—For example, we have heard today and in written submissions previously and in public debate that in many, if not most, cases the women coming out here to work are not doing so under any coercion. To counter that, we have had other people say, ‘Yes, but there are social and cultural reasons, perhaps reasons of poverty or whatever, which place women in a position where there is a kind of subtle coercion or there are forces at play that drive them to come to Australia to work.’ Do you think there are ways in which we can better address the social and cultural issues so that we have a clear distinction between those women who may be working against their will and those people who are confident with what they are doing?

Ms Mazzone—In general, when we talk about this sort of coercion the majority of these women come from much poorer countries than Australia. Even listening to what the Scarlet Alliance said before, these people do not tend to be highly educated women or women that would have other options of employment, either here or in their home country, so I think that poverty and possibly having to maintain a family or something like that is definitely a factor. Women may see this as their only choice to actually make money, and, if it is the only one, then it is not a real choice. In terms of them deciding to come, I would say that if they had other choices in their country they might choose to do something different. One of the recommendations I think we had in our submission was to expand our foreign aid, particularly to help women generating income in their own countries. Once they come here, I think there might be some cultural factor that would make it a barrier for women to come out and disclose that. I think that there is a shame in disclosing that. Even with sexual assault, which is a situation where one is definitely a victim, you see that there is always a big shame factor in coming out and reporting that. So that would certainly be a barrier.

Another one that I have noticed—and this is what I am saying when I am drawing a parallel with our experience with domestic violence—would certainly be a language barrier. A lack of knowledge of your rights in Australia and of the services that are available and all this stuff

would also be a barrier for people coming out and saying what they are doing. That is why I am saying it is quite parallel with what happens with migrant women in domestic violence situations. Even if the remedies are there, they do not necessarily know about them. And sometimes they come from countries where the police are very corrupt and the police are not necessarily there to help you if you go to them and say that you work in the sex industry. These women might not feel terribly confident about going to the police here.

CHAIR—You have mentioned your proposal that independent advice for women be provided through migration agents. Many women would find that their primary contacts are only with their clients and their employer, so how would they get in contact with migration agents per se?

Ms Mazzone—The recommendation about migration agents was because of our acquaintance with Project Respect. Many traffickers make bogus protection visa applications on behalf of trafficked women. They might come here on a tourist visa, without any working rights. If they then make an application for a protection visa, while their application is being assessed they get a temporary, or bridging, visa that has working rights attached, so they can work legally in the meantime. Migration agents know very well that such an application for a protection visa, which is a refugee visa, has no chance whatsoever of being accepted, but it gives them that few months where the women can stay and work in Australia. Because we heard that that is a mechanism that is being used, we suggest that migration agents be legally required to interview the women in person and give them advice. What I have heard from Project Respect is that the women might not even know that they have applied for a protection visa. They should know. Information should be given to them in their language on what exactly is happening.

CHAIR—That is a good point.

Ms Mazzone—We were making another point about visas for women who have been found to have been trafficked. I am not very clear about the recent Commonwealth package of measures against trafficking. I am not very clear whether, and in which circumstances, women that have been found to be trafficked would be allowed to stay in Australia permanently. That is of concern, because we think that if they are sent back they could very well be at risk or be revictimised.

CHAIR—We have also received submissions that suggest that the legalisation of prostitution has been a contributing factor to the increase in trafficking of women for the sex industry. Is that your experience?

Ms Mazzone—We do not have experience that I can really draw on in relation to the sex industry. I was listening before to the suggestion that, with some visas, women can come here and do sex work, and I think that would be quite dangerous. I see people come here now on a working visa. I do not know the exact name of the visa—you will have to ask a DIMIA person—but they sometimes come here on a backpacker visa, which is a visa that allows you to have a working holiday. Those visas are not specific to any industry. You can come and work at anything you like. I think the only condition is that you do not stay with the same employer for more than three months.

CHAIR—That is right. But that is only with certain countries.

Ms Mazzone—Yes, it is only with certain countries—and it is with countries where people have choices about what they want to be doing. It is generally with wealthy countries in Europe and with North America. The other visa on which people can come here and work—again, I do not know the name—is when they are sponsored by an employer. The employer has to say, ‘I need this person to come because I cannot find an Australian to do this job.’ This visa is open to most countries, I think, but it is conditional on your employment being continuous. So your employer would still have a lot of power over you, because they could say, ‘If you terminate your employment with me, this visa goes.’ They are linked. The backpacker visa is a very open one.

CHAIR—What would your recommendation be?

Ms Mazzone—I do not think there should necessarily be a visa for women to come here and work in the sex industry. I think we should help women who are found to have been trafficked and give them visas to stay in Australia, because they are victims of crime and human rights abuse and we are concerned about their futures if they are sent back. But I do not think giving them a visa to work specifically as a sex worker in Australia would give them a lot of options. It does not address the lack of options they have or their language barrier. From working in domestic violence, I think a lot of women have rights that they are quite unaware of, and they are unable to exercise those rights because they do not even have the information to do so.

CHAIR—Thanks for coming today. We really appreciate your input.

Ms Mazzone—I would just like to let you know that we do have a newsletter. The last one was all about trafficking issues, so we have some articles on it. I will leave it with you.

CHAIR—That would be great. Thanks very much.

[11.57 a.m.]

McKINNEY, Detective Senior Sergeant Ivan, Asian Squad, Victoria Police

CHAIR—Mr McKinney, we welcome you to the inquiry today. As you know, we prefer all evidence to be given in public but, should you wish the whole of your input to be given in camera, that is quite possible. If you wish at any time to go in camera, please let us know. Of course, you know that according to standing orders, that is then kept confidential. That is your call. Would you like to make an opening statement before we proceed to questions?

Det. Snr Sgt McKinney—The reason I am here is that in 1999 I investigated a case which was effectively sexual servitude, but there was no legislation in place at that time.

CHAIR—In Victoria?

Det. Snr Sgt McKinney—Yes. That is the only case to date that has been through the full court system. We have had arrests over recent months and so forth, but I can speak openly about the entire case because none of it is sub judice. I can tell you everything about it, the problems we had and what I learnt from that investigation. I suppose that, as a result of that, I have become the quasi expert.

CHAIR—That is good because we need experts.

Det. Snr Sgt McKinney—I get a lot of questions bounced off me which I try to answer in some capacity.

CHAIR—We are not experts, so we are trying to find some answers too.

Mr KERR—I appreciate an outline of the background and discursive and then we can ask questions.

Det. Snr Sgt McKinney—Basically, it all came about through our work with the Asian community in Victoria. We started receiving information from various sources—as a lot of law enforcement agencies do—about women coming into brothels in Victoria and being used as what they called ‘contract women’. That was foreign terminology to me; I did not know what it was, I did not know what it meant. I have never been exposed to anything like that. When we talked to these sources further they started to explain what the contracts were. Again, from my upbringing and from living in Victoria, you do not expect that; your brain does not click over into that terminology and the fact that women are being held and made to do these things. I found it difficult to believe that it would actually happen but, when we started to delve into it, it was happening. It was difficult to investigate, because we had the problem that there is a legal prostitution industry in Victoria. Some of the women who were in these brothels—legal brothels, mind you—technically were here legally. So we had a legal industry with legal persons working in it. With the resourcing and budgets that you have to allocate to various investigations, it was difficult for us to justify the expenditure, because there was the question of what we were actually investigating—we had people here legally and working in a legal industry.

To cut a very long story short, two of the girls came forward and cooperated with us, as did one of the brothel manageresses, and two people were brought before the courts in Victoria on charges that were basically the only thing that we could mould to fit what they were doing, and that was under the state act, the Prostitution Control Act. There was no Commonwealth act at that time; it would have been handy to have it but it came in halfway through, and of course it was not retrospective, so we could not use it. There was the whole thing of the way we approached it. I hear a lot of talk about treating the women as victims and so forth, but to be perfectly honest I did not treat them that way; they were witnesses in the case of a prosecution. From my point of view, investigators have to be educated about this, because, when you deal with these special circumstances, the women are actually victims and not simply witnesses for the prosecution. We had no support mechanisms for them, no counselling services for them and no emergency accommodation for them, because they did not fit the criteria of a victim of a crime.

Mr KERR—Where did they stay? What were their living circumstances after you had identified this as a potential prosecution?

Det. Snr Sgt McKinney—We were lucky in that the women were living with Australian boyfriends at that time and those boyfriends were willing to allow them to stay with them, and that is where they stayed for the entire process. They were not put into detention at any time, because, at that time, their visas were still going through the process of being rejected through the RRT and so forth. So we did not have any problems with that.

CHAIR—Perhaps you could go into the story of how they brought their cases to your attention and the circumstances of their cases and what they reveal.

Det. Snr Sgt McKinney—A rival brothel owner originally started to say that there was something going on at one of these brothels, and we started to look at it. It was a legal brothel and we put surveillance and so forth on those premises. We watched little blue vans turn up, and women would get out and be escorted into the premises. They would arrive there at, say, five or six in the evening. At five or six in the morning they went back into this little van and were taken back to a premises in a local suburb in Melbourne. This habit continued for most of the week; it was like a regular occurrence—nothing changed. We then managed to get someone inside the premises. We had camera footage of what was happening in the public area there. Basically, the girls were not receiving wages; they were being given slips instead. One of the girls spoke to her boyfriend, who came to the police, and that has come to our squad. We managed to speak to the boyfriend and then covertly to the girl, who was still working at that time and continued to work throughout the whole process. She then brought another girl forward. So we had the two girls and the brothel manager, and the owner of the brothel came on board as well at one stage. What was happening was that a group of people were going to legal brothels and saying: ‘If you are having trouble getting workers, I can supply workers. You don’t pay the workers; you pay me and I’ll take care of all that for you.’

One of the girls went to a police station. She walked in and said, ‘This man has got my passport and I can’t leave the country.’ The full story did not come across to the police constable at the time, but the constable rang the gentleman and said, ‘Do you have this lady’s passport? We would like it back,’ and the passport was delivered to the police station. But, of course, that damaged the evidence that we could gather against that person. That is a training issue. Like I

said in my opening remarks, it is a concept that is foreign to most of us. The awareness of this problem has definitely been increased over the last few years—there has been a lot of media coverage of it—but at that time it was something that you just did not turn your mind to.

CHAIR—What was their story? Did they know they were coming to Australia as prostitutes?

Det. Snr Sgt McKinney—Yes—everyone I spoke to. Two girls actually gave evidence in the trial and I would have spoken to 20 or 25 at the detention centre in Melbourne. Every one of those ladies knew that they were coming here to be prostitutes or work in the sex industry and 90 per cent of them were already working in the sex industry prior to coming to Australia—they had done contracts to Singapore and some to America. When I asked them to explain, ‘What’s this contract? What does it mean? How does it work?’ they answered, ‘Yep, no problems. This is what it means.’ They knew fully what it was.

CHAIR—I do not think you were here when Scarlet Alliance were giving their presentation, but they talked about the survey which showed that the women were on a \$35,000 to \$40,000 contract and they had to service a certain number of clients in order to meet that contract.

Senator FERRIS—Seven hundred.

Det. Snr Sgt McKinney—The basic contract in 1998-99—the period during which we worked through this—was for 500 jobs. They had to service 500 clients before they would be paid; they had to work for six days a week, and Monday was called their ‘free day’. But their free day was not effectively their free day, because if they did not work on their free day they did not have any money at all to survive on. So the deal for them was that if they chose to work on the Monday, which was the seventh day, they were given a portion of the earnings. When you think about that, there is the brothel owner, the person who owns the girls, and the girls. At the very best percentage rate, they were going to get 33.33 per cent, tops, and they would not get that much. They had to work on the Monday just to buy personal items, because all they were given was a room and board—that was it, nothing else.

Senator DENMAN—Did you ever inspect the premises that they were living in?

Det. Snr Sgt McKinney—Yes.

Senator DENMAN—Were they substandard?

Det. Snr Sgt McKinney—I do not know where you are all from, but it was a typical inner city hotel. The ground floor was a pub, as such—just a bar—and upstairs it was typically small, with four or five rooms. There was no common room or lounge room, as we would call it. There were two bathrooms but they were antiquated. There were bars on the windows. The outer windows that faced the street had all been nailed or painted shut—they could not open. The conditions were grotty. They were stacked in the room. I showed a particular photo at a presentation in Canberra. I had trouble walking into the room because there were that many beds in the room that you had to shuffle and shimmy between the beds to get around. So the conditions were not nice.

CHAIR—Was that the brothel itself?

Det. Snr Sgt McKinney—No, that was where they were living.

Senator DENMAN—So was the owner of the accommodation the person who owned the women?

Det. Snr Sgt McKinney—Yes.

Senator DENMAN—So it was not a publican.

Det. Snr Sgt McKinney—Yes.

CHAIR—So they were kept there and they were moved back and forth. Was there any free time to go to the park or out?

Det. Snr Sgt McKinney—No, not that we could establish. In the premises there was a public area at the bottom and the private area was up the stairs. There were very large steel bars up the side of the stairwell and a big, lockable steel gate. When the girls were brought back at, say, four, five or six in the morning, depending on how busy it was, they were put upstairs and the steel gate was locked. The windows were nailed or painted shut, there were bars on the windows upstairs and a gate on the stairwell. The owner of the pub did not live there; he lived elsewhere. So, once those girls were in and that door was locked, if there was a fire or anything else those girls had no hope at all of getting out. Since then, because the legislation has been out for a couple of years now, the people who are involved in this business view the legislation—they look at it and work out ways around it. So what we are finding now is that they are not held in those conditions as much; they are billeted out with people they can trust. For example, you, Sir, you, Sir, and you, Sir, would each take one home with you and they would board with you—you would be their quasi-keeper but they would have the freedom to come and go. So we do not have the situation where 10 or 15 girls are billeted in one premises. I am sure it does happen but probably not to the degree it did maybe three or four years ago.

Mr KERR—That in itself is a beneficial outcome of the application of the legislation, in a sense. You can regard it as an evasion of the legislation but, equally, you can say that it reflects a different way in which the industry is operating, where people are not being treated in the abusive way that they were in the past. It depends on where you come from into that dialogue.

Det. Snr Sgt McKinney—It depends on the person they are billeted with, I suppose, and what his or her living conditions are.

Mr KERR—It was the failure to be free to come and go—almost an imprisonment in a single cell—which I think attracted the huge public attention when a couple of those instances became known. In these instances where people are billeted out, is their freedom to move curtailed? Do they shop or whatever?

Det. Snr Sgt McKinney—The way I understand it is working at the moment is that if you are under your contract period—that is, the agent who sold you or owns you has not recouped his outlay—your freedom is restricted because, obviously, if you run away during that period, he is going to lose some money. Once you have reached your required jobs, or whatever it is now—

five, seven, eight—you are then allowed to move around a bit more freely, because if you run away at least he has recouped his money and he has made his profit so he can get another one.

Senator FERRIS—Except that is the time when there is a chance for those people to make some money to go back.

Det. Snr Sgt McKinney—Yes, precisely. The contract was initially for 500 jobs and then they were held to that owner's brothel or brothels for a further 12 months but they were paid for that work.

CHAIR—Having watched it all, you must have thought: how did it occur? What can we do to change the whole scenario? How can we avoid this happening? This committee does not have any particular knowledge of the industry. As somebody who was directly involved and saw it firsthand, what would you want to say to the committee in terms of issues that we should look at to stop a repetition of this situation?

Det. Snr Sgt McKinney—I think the biggest problem your committee faces, as we all face, is that there are no factual statistics or evidence of the actual extent of the problem in this country. That is probably the No. 1 hurdle. What do you commit resources-wise? What do you expend on this problem without fully knowing the full extent of it? I think that is problem No. 1. From the purely clinical investigative side, I think there needs to be a central reporting body. To me, the ACC is the perfect body to do that. They are supposedly a coordinating body for law enforcement agencies around Australia. I understand the AFP has set up their trafficking unit. I have spoken with them; I have been to Canberra and I have spoken with the members involved in that unit. Again, the money and the resources in that unit are fantastic, and it is a great start. But, again, is it justified in committing that amount of money over that period of time to a problem that we do not fully know the extent of?

CHAIR—What is your gut feeling about the size of it? The Scarlet Alliance say that of the people they have had contact with—the 400 or so—they have actually had contact with only 10 who fit this category.

Det. Snr Sgt McKinney—I think we are naïve if we say there would not be 100 in Australia at any one time. Again, my experience is purely within what we classify as South-East Asia. We are not looking at the Baltic countries; we are not looking at Russia and places like that. I have no experience there. Britain has had a lot of problems with people from the Baltics and areas like that and with women from Bosnia and similar places. Again, that will come to Australia eventually. There are already Russian women here, even though I have not dealt with them specifically. I do not know the numbers; I could not tell you that.

Senator DENMAN—What about organised crime? Is there any evidence that is involved in this issue?

Det. Snr Sgt McKinney—Depending on your definition of what organised crime is—and there are about eight of them. You are talking about people recruiting women from Thailand, the Philippines, Singapore and China, bringing them to Australia, selling them quickly and efficiently and moving them between Melbourne and Sydney regularly. To me, that fits the definition very well. Logistically, they have to get passengers from this country to here, they

have to get them transported, they have to get accommodation for them and they have to find employment for them. They are fairly well set up and they do it quite well. They have brought a number in and out. They have worked out our sympathies towards people who claim refugee status—our sentiments, I suppose. They are exploiting that system and they will continue to do so until we can work out a method to stop that.

CHAIR—In this particular brothel where they had the trafficked women, did you find women there who had completed their contract and were on a straight commercial basis or were they all trafficked women?

Det. Snr Sgt McKinney—No. They were classified as either contract girls—they actually call themselves contract girls or free girls—or free girls. There were free girls.

CHAIR—They had finished their contract?

Det. Snr Sgt McKinney—They called themselves free girls. The girls would say, 'Sissy was here a couple of weeks ago. She was a free girl.' They would actually talk in those terms themselves.

CHAIR—They were no longer transported or anything like that?

Det. Snr Sgt McKinney—No, they could come and go as they pleased and work whatever hours they wanted.

CHAIR—What proportion was that? Were half of them free?

Det. Snr Sgt McKinney—The ones who I spoke to were all at the end of that process of applying for refugee status, having been rejected, having appealed that, having gone through that appeal process and then having that rejected as well. Most of them were free and were going home. They had been here two years—or over, some of them—so they came into the category of being free girls.

Mr KERR—One of the solutions that the Scarlet Alliance has advocated is a form of working visa designed to address the fact that there is an existing so-called labour market and to make certain that it is a regulated and non-abusive market and also to deal with the fact that some of the devices used to entitle people to residency involve abuse of our immigration laws—fairly untenable refugee claims, for example. Have you any reflection on that suggestion as a way of addressing perhaps the three-quarters or 90 per cent of the industry that is not conducted on an abusive basis? This leaves aside the fact that there is potentially always going to be a sector in which people are not going to come in on that visa because people want to take greater profits or supply a sector of the market where ordinary services are not going to be sufficient.

Det. Snr Sgt McKinney—A prostitution visa, for want of a better word, is something you could consider. But my view is that the people who traffic the women here now will simply change their titles and become facilitators for people to obtain prostitution visas, and they will charge them fees to do that. It may work; I do not know. For me, if you have a non-citizen working in a brothel in this country I personally believe that, if it is a legal industry—and they are saying they are a credible industry and they believe in themselves and they are doing this

work—there should be a reverse onus offence against the owner and manager of that brothel to register them with an immigration hotline or a central reporting area. It could, again, be within the ACC. The owner or manager should call them and say, ‘Mr Jonathon Curtis is a Filipino citizen here on a working visa or a bridging visa for refugee status. Here is his passport number. He commenced work at this date. Here is his home address.’ All those details should be fed into one area, and whether that is in Canberra, Melbourne or Sydney does not matter.

Then an agency has control over which non-citizens are working in the sex industry. So if you have investigators or government agencies regulating that industry, they can go in there and if they find non-citizen workers in there they can ask why they have not been registered with this central reporting area. I think that would be a mechanism to make the actual operators of the brothels accountable for what happens in their brothel. And I think it should be a reverse onus. It should not be up to the police to prove the offence; it should be up to the owner to say why they did not do it.

CHAIR—That is an interesting point.

Mr DUTTON—Is there any evidence of cross-border offences—say, an organised scenario where brothel owners might run brothels in different states or different cities within the one state or as part of a bigger organised group, and the girls may be shuffled or processed between each of those centres?

Det. Snr Sgt McKinney—Definitely. With the one that I did, one of the girls we had spoken to went back to the owner and said, ‘The police have been asking questions about you.’ We are aware that 10 women who were in that premises on, say, the Wednesday night, were no longer there on Thursday. The intelligence we gathered is that they had been shipped up the highway to Sydney and disbursed to a number of different brothels, so that if one brothel is raided they will get only one or two; they will not get all of them.

CHAIR—How many were there altogether? There were about 20 who were contract women?

Det. Snr Sgt McKinney—Over an 18-month period, we linked 40 women to this one person. They can work out the cost of the women; for example, say it is \$100 for half an hour—for ease of calculation—and you have got 500 jobs. We wired up one of the women and she went in and spoke to the owner. She wanted to buy her contract back. He clearly states, ‘I paid \$18,000 for you.’ We know that the going rate at that time was between \$15,000 and \$18,000. They have criteria for working out what the worth of a woman is. He paid \$18,000. So if you work on those base figures alone, without anything else, he is making \$32,000 per woman. If you base that over, say, 40 women, in 18 months there is a profit of \$1.2 million—just from the contract period and nothing else. That does not include the 12 months afterwards or the board that they pay. It really is a profitable business, with a very low risk.

Mr DUTTON—I guess what I am trying to get a grip on is whether or not there is an organised element to it. Is it part of a bigger organised crime syndicate? Is this one arm of their business, or is it one-off operators who may have contacts within their country of origin, for argument’s sake? Which is the more likely scenario? Are you able to comment on that?

Det. Snr Sgt McKinney—My personal view is that you have people who have links, obviously, to their home country—being Asian countries—who establish themselves as agents for traffickers: ‘We will source the women and we will bring them here.’ So there would be, say, four or five in Sydney, who would be competing against each other for the brothel business, and two or three in Melbourne. And they all know each other. It may be that Mr Dutton has a particular batch of girls who are better than Mr Curtis’s. So Mr Dutton sells his girls to the brothel owners more easily. You will find that there are people here in Australia whose prime business is the recruitment of women. They get them here and then they disburse them once they are here.

Senator FERRIS—Are they linked to organised crime?

Det. Snr Sgt McKinney—It really is difficult to say. My experience with the Asian people I deal with is that if there is money to be made in trafficking women they will traffic women. If they can at the same time run a credit card duplicating scheme they will do that as well. If at the same time they can dabble in heroin, ecstasy or ice they will do that at the same time.

Mr DUTTON—They view it as a commercial venture, don’t they?

Det. Snr Sgt McKinney—It is purely, ‘Where can I make the most money?’ and ‘What is the least risk to me?’

Senator FERRIS—I was just thinking about the opportunity for money-laundering when you were talking about the amount of money that could be made per girl per contract. That is why I asked the question.

Det. Snr Sgt McKinney—It does exist. It naturally links into other things because, yes, you have to get rid of those funds.

Mr KERR—Can I take you back to the Scarlet Alliance point, because I think your answer was very interesting. It seems to me that there is nothing logically inconsistent in applying both processes at the same time, in the sense that the Scarlet Alliance argues that, if people come here on a legitimate basis, that empowers them to insist on their lawful entitlements. If a contract were shaped in a way that was manifestly unfair, they could get relief against that in any court, and any abuses would be much more manifestly obvious. Equally, it does not seem to me that there would be anything wrong with imposing over that system a reverse onus of proof for any brothel operator, which said that you must have people who are lawful, whether they hold a working tourist visa—as I think was said of visitors from England and the continent—or a ‘prostitution visa’ or whether they are citizens, so that they have a lawful entitlement to be in the industry. You are not suggesting that they are inconsistent objectives?

Det. Snr Sgt McKinney—No, I am not saying it would not work. As I said, I honestly do not know.

Mr KERR—We are just struggling with it, but I am trying to clarify where you are coming from.

Det. Snr Sgt McKinney—To me, a situation where we had a central reporting area, whether it be for prostitution visas, non-citizens working in brothels, or both, is the commonsense way to go. We would have an agency which could collate and distribute that information so that the local law enforcement agencies, government officials, councils—or whoever had the regulatory role over that brothel in that precinct, wherever it may be—had somewhere central to get that information from and to report to if there were any irregularities. If that could be achieved by that visa, that would be fantastic.

CHAIR—Can I ask also about those women who gave evidence. Were they then deported, or were they given refugee status?

Det. Snr Sgt McKinney—We did have problems with the criminal justice visa process. What had happened was that the women had been taken to immigration agents by the person who ‘owned’ them and they had signed forms which were obviously either their refugee application forms or their forms for the RRT. I was told that, once you have gone through a rejection for the first application and then lodged one with the RRT which has also been rejected, the only option you have left is the minister’s discretion.

CHAIR—No, I think you can go to court.

Det. Snr Sgt McKinney—Basically, they had had all the options: ‘No, you’ve had a go; you can’t have another shot. You’ve tried everything you can.’ The problem we had with that was that the women did not actually know they had lodged these documents. They did not lodge them; they were just told to sign forms, so they signed them. They never turned up to their RRT appeal, because they did not know it was on.

Mr KERR—It was just the time.

Det. Snr Sgt McKinney—It was just the time.

CHAIR—So they were sent back, in other words.

Det. Snr Sgt McKinney—No, we managed to get a CJV for both of them. We got that granted. We had problems with that, in that we got a letter from the Commonwealth Attorney-General saying, ‘We will give you the CJV if you promise that these women will not engage in prostitution in Victoria.’ The problem there—as we wrote back, very politely—is that we cannot tell someone what they can do in a legal industry. It is a real conflict, because we are saying that we are saving these women or assisting them out of this industry, and they turn around and go: ‘But we still want to work there.’

CHAIR—Part of this problem is because we are caught halfway, with an industry that is legalised at the state level but which the federal level has not really caught up with, perhaps—or the immigration level.

Det. Snr Sgt McKinney—Yes. To us, we were just legitimising their position there: ‘Yes, you can stay there now because we said it’s all right and we know about it.’

CHAIR—So you can come in as a fruit-picker, but you cannot come in as sex worker.

Mr KERR—I want to raise more general questions about the way in which people are dealt with who are picked up in the sex industry. One of the accounts that we have heard—apocryphally, at least—is that there is no effective interviewing technique to determine whether a woman has been the subject of abuse, if she is identified as illegally present and working in the sex industry. I personally have gone into detention centres and seen women who are being held awaiting removal. I have asked whether they have been interviewed by the police, and they have not. The priority in the past has been administrative removal. If somebody has been identified as working in the sex industry and they have not had a valid visa then the priority has been administrative removal, notwithstanding that they may have been brought here under the most abusive circumstances and may have suffered terribly and may potentially be available as a witness against the people who have set those circumstances up. With that apocryphal evidence, I wonder whether or not you know of more of these circumstances about which you can advise us?

Det. Snr Sgt McKinney—I actually have documented interviews with ladies in detention centres. I have about five pages of those. I did not bring the interviews with me, but I can send them up to you. They go through the whole experience of how they were brought here, what happened to them once they got here, when they were picked up by Immigration and what happened to them. They were quite happy to chat, they were quite happy to tell me the whole story, but by that stage they just wanted to go home: ‘Just send me home, get me out of here; I’ve had enough.’ But there is no process for us as investigators to use that evidence unless that witness is willing to come back to this country. It is a fact of life that once they leave this country we have very little control over that person.

Mr KERR—A number of countries—particularly, I think, Greece and Italy—now have arrangements where people who blow the whistle, as it were, women who are from eastern Europe or what have you, are dealt with in an environment that recognises that they are the victims. They are given protective visas and, provided that they provide testimony and effectively work with the authorities to get the bad guys, they may in the end get residency. I do not know the circumstances—how it applies and what precisely the criteria are—but I am aware of the law changing and of the recognition that women in those circumstances are victims and not abusers—not people to be treated as trash and thrown away. Do you have any views on that kind of system? Are you aware if this is a consideration?

Det. Snr Sgt McKinney—Yes, I do. The two ladies I dealt with are extreme examples. One of them is still here and I think she has gained full Australian citizenship. She has, I think, permanent residence—it is virtually a rubber stamp and she is here full time. She has opened a shop in a suburb in Melbourne. I still stay in contact with her. She is still with the boyfriend that she was with in 1999, and she has brought her daughter over here. I will talk about her first, and then I will go back to the other victim, who has left the country and disappeared, and I will explain what has happened there. The one that stayed had the support of her boyfriend, but she was in a really difficult position. We identified her in 1998 or 1999. Again, and this is just the way our court system works, the whole process and appeal process was not finished until I think mid-2002 or late-2001. She had a three-year-old daughter when she left Thailand. Because of the way the CJV is worded and the rules that surround the CJV, she could not leave this country. If she left the country, the CJV did not allow her to come back until the actual trial date. So she chose to stay here, which meant that she did not see her daughter for close to 4½ years, and there was no process for her to bring her daughter here, because she did not have any status here. That

is just an offshoot of it, but it is one of those things that makes you think: 'That is shocking; this poor kid is three years old and she does not get to see her mum until she is 7½.'

Mr KERR—And that is because we requested that she remain in this country as a witness. It is really a human rights abuse by accident, isn't it?

Det. Snr Sgt McKinney—I had a daughter of the same age, and I could not do that—it would turn me to water. The other girl was younger; she was 19. She was here for 14 or 15 months and we were in contact with her regularly. Her brother had a car accident and she wanted to go home to see her brother and her mum—because, again, she was a young girl. So she left the country. Once she left, the CJV expired—that was it. She could come back in when the court date and the trial date were set. The trial date was not set for another 10 or 11 months. We stayed in contact with her up until then. You go through all your preliminary hearings and all your filing hearings and so forth until you actually get to a trial date. As soon as the trial date was set, we rang to tell her that we would have to arrange tickets for her to be back here on such-and-such a date. She was gone. She was nowhere to be found.

Her sister got a letter from her that said, 'I'm in America. I'm being held in America. I'll be home soon.' We do not know whether she is being held against her will or held in detention. Through the Attorney-General's department we had the FBI and the immigration department in America look through all the detention centres for someone that matched that name. There is no record of her ever leaving Thailand on her own passport, not that that means a lot in Thailand. To this day I do not know where that girl is. We have never had contact with her since. She never gave evidence at the trial. The only reason we got her evidence into the trial is that in our system she had been through the committal and had been fully questioned at committal: therefore the defence had an opportunity to cross-examine her at committal, so all that testimony was allowed in at trial.

Mr KERR—Is there a suggestion in your mind of foul play?

Det. Snr Sgt McKinney—It is speculation. I do not know. She could be doing contracts anywhere. I do not know.

Mr KERR—There is some sense that—

Det. Snr Sgt McKinney—To me it was just odd.

Mr KERR—people who do speak out expose themselves to the potential risk of retaliation in their home countries if they are returned.

Det. Snr Sgt McKinney—That is what you have to look at. You have this network of people who recruit women from overseas. They know where they live; they know their families; they know everything about them—that they are bar girls or whatever. If you send someone back to that environment and then you expect them to come here to give evidence against someone where the crime has originated, that is fanciful. That is simply not going to happen.

Mr KERR—You end up like Sallie-Anne Huckstepp.

CHAIR—There were only two girls that were giving evidence. What happened to the others—the 40?

Det. Snr Sgt McKinney—They just wanted to go home.

CHAIR—So they were not prepared to give evidence?

Det. Snr Sgt McKinney—No. They were not prepared to give evidence at all. That was basically due to fear of retaliation against mum and dad. Because you have to remember the circumstances that these women come from. The reason they are here is to make money to send home to mum and dad.

CHAIR—There was one particular brothel where you had 40 people involved.

Det. Snr Sgt McKinney—Over a period of time.

CHAIR—Scarlet Alliance said that it was 10 that they had contact with. We are dealing with possibly 100 in your terms.

Det. Snr Sgt McKinney—It could be 100; it could be 200. It all depends on the market forces at the time and the availability of ways to get them into the country. We worked closely with Immigration, and again it was because of the banner of the NCA, as it was then known. Because we were a state organisation and we had Immigration, which was a federal organisation, if we did not have the connecting agency—the NCA—we would have had real problems with communicating because of the flow of information from state to federal without a formal MOU. It just so happened that the Asian crime squad in the Victorian crime squad was a member of the Blade reference and so was the immigration department, so therefore the two agencies could exchange information freely. That is why in my opinion the ACC—or the NCA or whatever you wish to call it—is vital and has to stay, because you need that cross-flow of information and you need that coordinating agency to do that.

Mr KERR—In your introduction you identified the absence of any system of counselling or victim support. You have given a fairly damning example of the no doubt accidental consequences in this woman's domestic circumstances—she could not see her child—which is surely something that ought to have been and should be rectified. What about the general issue of dealing with psychological harm or things of that kind that may have arisen during these experiences?

Det. Snr Sgt McKinney—I will openly tell you that it was a failing on my part. I was the lead investigator and did not even think of it.

Mr KERR—Has anything been done subsequently?

Det. Snr Sgt McKinney—I have spoken at a lot of police colleges, trying to get them to think about it. But if you want to look at this problem—and I keep harking back to the ACC—what I would like to see you people recommend if possible is some kind of area in the ACC that would firstly be a central reporting place and secondly have a training role. You would have a national coordinator who would then have training packages sent out to state police forces and the AFP.

You would have that office as the central recording agency. That office would not only be open to law enforcement agencies but also to NGOs, so that you would have free flowing information from the states, the AFP and non-government organisations.

CHAIR—The ACC and not DIMIA?

Det. Snr Sgt McKinney—And DIMIA. All agencies. I think the ACC is the more appropriate area because it has that reach to everywhere. DIMIA is just one of those agencies that would feed into it. That is my view. You could have the government agencies, the law enforcement agencies and the NGOs all feeding into one area. If you had an NGO saying, ‘We have evidence of trafficking at a brothel in Western Sydney,’ that coordinating office would then be able to say, ‘We have trained officers in Sydney. We have a pool of 15 or 20. Let’s call on their experience, because we have trained them up on how to deal with these victims.’ That way, you are saving on your resources, because you do not have people dedicated to an area where there may not be anything to investigate every month. It may only pop up in September and at that time they could swing into action, like a strike force or a task force. You have the coordinating body. You can then make sure that that investigation is carried out along whatever guidelines we can come up with to deal with these people.

CHAIR—That makes a lot of sense.

Mr KERR—On the DIMIA point, I asked whether you were aware of this practice of not seeking from women who have been picked up as unlawful workers any explanation or account of why they are there. But you indicated that you had spoken to a number in detention centres. Is there now a protocol in DIMIA that says, ‘We will at least ask some threshold questions to allow us to form a view as to whether or not this woman may have been the subject of abusive trafficking and then, if that flags it, the police should come into it and, if it does not, normal administrative removal should occur’? Is that system in place or not?

Det. Snr Sgt McKinney—Talking to those in the AFP who have been set up to investigate trafficking at this stage, that in theory is supposed to happen. I do not know whether it is working or whether it is effective. I cannot tell you that.

Mr KERR—What is your impression?

Det. Snr Sgt McKinney—It could work. But prior to going to the Asian squad I was at the vice squad in Victoria so I had a lot of experience working with brothels before they were legalised. Immigration will react on information as such so you must get the information in before they will react. That was at that time. Again, I do not know what it is like now because I do not work in that organisation. But again it is like anything: it depends on resources. Is the instance for non-compliance in brothels the highest rate of non-compliance in Australia? I would say not. I would say that itinerant workers or restaurant workers would have the highest rate. So, from a DIMIA management point of view, where do you put your resources? Do you put it where the largest problem is? If I was the manager, I would be saying target where our known problem areas are and we will do these peripheral areas when we have time.

Mr KERR—And it would be the principle orientation of the task force. Obviously, the principle orientation of the police is to put a brief together for the purposes of prosecution.

DIMIA's principle purpose is to see whether or not people hold valid visas and, if they do not, to remove them. All I am saying is that there is enough apocryphal evidence that, as people pass through that system, insufficient attention is given to whether they may have been the subject of abusive trafficking.

Det. Snr Sgt McKinney—I could not comment on it now because I honestly do not know. But at that time the focus was, as you are well aware, compliance. Their statistics worked on how many were out, not how many were retained.

CHAIR—That has been very useful. Thank you for that. It does provide us with a real case study. You have been at the coal face and have thought through the issues, so it is quite useful. I particularly found interesting your suggestions of keeping a central record with the ACC and using that to implement strategic decisions. We will take that on board and think about it when we come to make our recommendations. Thank you for taking the time today. It is very much appreciated.

Proceedings suspended from 12.45 p.m. to 2.30 p.m.

MIGRO, Detective Superintendent James Martin, Organised Crime Division, Western Australia Police Service

CHAIR—Welcome, Detective Superintendent, and thank you for agreeing to join us today. A number of witnesses have already appeared before us. We understand that the Western Australia Police Service acknowledges that trafficking in persons is a serious crime, and therefore we thought it would be appropriate if we had your input. If you wish to go in camera at any time, please let us know. That may be the case for you, but we would appreciate it if you started with an opening statement and then the committee will proceed to questions.

Det. Supt Migro—Thank you very much. For starters, there are no issues that I will need to raise in camera with you.

CHAIR—Okay.

Det. Supt Migro—As you have already said, the Western Australia Police Service acknowledge that trafficking in persons constitutes a serious crime. The Police Service also recognise that trafficking in persons poses a significant problem in many areas of the world. We also recognise the importance of intelligence led policing and have fully implemented a number of policies, procedures and protocols with regard to the sharing of intelligence and information among states and territories and between state, territory and Commonwealth agencies. We also enjoy a close working relationship with the Department of Immigration and Multicultural and Indigenous Affairs. Western Australia has not enacted any specific legislation relating to sexual servitude or to offences relating to trafficking in people. Part 6 of our Criminal Code Amendment Bill 2003, which is currently before our Legislative Assembly, creates a number of offences relating to commercial sexual servitude.

The existence of sexual servitude in this state first came to the attention of the police service in 1999, when three Thai nationals attended our crime headquarters in Perth seeking assistance to return home. All three claimed that they had been deceptively recruited overseas to work in the sex industry in Australia. These allegations were not substantiated and, with the assistance of DIMIA, the females involved were returned to Thailand. Recent investigations have not uncovered any definite instances of females or children being forced to work in the sex industry in Western Australia. During inquiries, several Asian females residing in Australia illegally have been detained under the provisions of federal legislation. In all instances, the females were above the age of 18 and they declined to discuss their situation in any great detail. The females gave the impression that they had entered Australia fully understanding the conditions under which they would be employed and none wished to make any complaint. All appeared to be willing participants in the prostitution related matters.

Information gathered to date relating to the recruitment of females from overseas to work within the Australian sex industry has suggested that the majority of persons being exploited are of Asian origin, particularly Chinese and Thai nationals. In a recent review of advertisements featured in our newspapers in Western Australia, which are the *West Australian* and the *Sunday Times*, over a period of one week in August last year we identified a total of 2,476 advertisements offering sex services. From the total number of the advertisements collated, 14

per cent of them offered sexual services from Asian females. Given the significant number of advertisements and the telephone numbers that remain unknown to our intelligence holdings, it is possible that females involved in these operations could be working under conditions of exploitation or servitude.

There is a significant presence of foreign nationals working in the sex industry in Western Australia that fit the profile of persons likely to be either exploited or working under conditions of debt servitude. In the past three years not one sex worker detained by authorities in this state has complained of having to work under conditions of sexual servitude. However, some have provided information indicating that they have been required to serve a period of debt bondage. While of the opinion that trafficking in people is primarily the responsibility of the Commonwealth government and its agencies, the Western Australian Police Service fully supports the concept of state police initiatives aimed at eradicating this vile trade and offering and providing assistance to its victims.

The extent of people-trafficking for the purposes of sexual servitude in Western Australia is unknown and difficult to estimate. The police service can report with confidence however that it has occurred and probably exists today. The organised crime division is tasked with the responsibility of monitoring the prevalence of sexual servitude in this state on behalf of the police service. Should sufficient evidence be uncovered, charges would be preferred after consultation with federal law enforcement authorities. That is the statement that I make on behalf of the police service.

CHAIR—Thanks very much for that. It was quite comprehensive. I have a couple of questions in relation to some of the information you have gathered and discussions you have had with those who have been involved as sex workers. You said that some of them had issues of debt bondage. Would that not represent some degree of trafficking per se?

Det. Supt Migro—It does but, in the circumstances where it was relayed to our people, all that these people were saying was that they had basically come to Australia under a condition that they had to pay back the initial cost of them coming here. Once they had paid that, they had then fulfilled their contract and they were then free agents making money for themselves.

CHAIR—Was there any indication of how much they had to repay? According to the other information, \$35,000 to \$40,000 had to be repaid, representing the servicing of about 500 clients. Is that similar to the information that you have?

Det. Supt Migro—The information we have is that it is around \$30,000. The way that these people have talked about it is that they have openly entered into basically a business contract.

CHAIR—Okay. But the ones in Western Australia you have had contact with were not locked up and did not have their freedom restricted?

Det. Supt Migro—No.

CHAIR—I see. In terms of prosecution, there has only been one case where there has been a prosecution involved?

Det. Supt Migro—No, we have not had any prosecutions in Western Australia.

CHAIR—So the only case where action was taken was deporting the Thai girls you mentioned earlier in your report. Is that right?

Det. Supt Migro—That is correct, yes.

CHAIR—How will the Western Australian Criminal Code Amendment Bill 2003 affect you?

Det. Supt Migro—We think it will assist us very well, because the offences that they are looking for under our Criminal Code are offences of sexual servitude, conducting business involving sexual servitude and deceptive recruiting for commercial sexual practices. That is the type of legislation we are looking at in the proposed bill.

CHAIR—We heard some evidence today from a detective superintendent from Victoria that perhaps we should look at registering the names of all foreign nationals who work in brothels around Australia with the Australian Crime Commission in Canberra so that the commission could coordinate the keeping of information in this regard. Do you have a view on that?

Det. Supt Migro—In a perfect world it sounds very good; but, for starters, we would have to register those people in our state, as the other states would, and, knowing the problems that we have here with legislation on prostitution issues, I think it would be a very hard thing for a legislative committee to obtain.

CHAIR—Do you have any recommendations to make, from a federal point of view, on the issue of sexual servitude?

Det. Supt Migro—We are very supportive in relation to the sexual servitude issue; we take it very seriously. We are looking at our legislation hopefully going through parliament so that we can deal with these offences at a state level, and then we would do it through our normal network with other jurisdictions and law enforcement agencies as a joint agency response—very similar to how we do multijurisdictional drug law enforcement operations.

Senator FERRIS—Can you tell me whether you tracked those Thai women who returned to Thailand, and if you did stay in contact with them do you know what happened to them?

Det. Supt Migro—No, we did not. The unfortunate part—and this has only been since the current changes in the way DIMIA operates—is that as soon as we took them into custody we had to hand them over to DIMIA, and then DIMIA had total ownership of their movements et cetera. So we then had no further contact.

Senator FERRIS—Do you have a view about whether that might be the best and most appropriate way of dealing with them?

Det. Supt Migro—What we have now, which is that people can remain in Australia for a period of time for investigators to interview them and glean what is actually happening and possibly obtain evidence for proceedings against the people that run this, is the appropriate way to do it. The issue of tracking them when they are back in their overseas home countries is

definitely not a state police issue. What we really need to do while we have the people in custody in Australia is to develop some confidence and trust with them so that we can get them on board and they will be prepared to assist us.

Senator FERRIS—I have a question on how police could be more effectively trained to help women who may come from a contractual arrangement which, for whatever reason, is suddenly unsuitable for them and who then go into a local police station. You may not have had the opportunity to read an article on page 3 of today's *Australian*, which outlines a case where some Korean women escaped from a brothel in Surry Hills in Sydney and ran into a local police station. Are there any police training courses to deal with that sort of situation if it were to happen in Western Australia, or would you support a community policing model training course so that there could be police who are specially trained to deal with situations like that?

Det. Supt Migro—At this stage, we prefer to deal with it by having a number of female officers who are trained to deal with sexual assault victims, because they are victims, and they would be dealt with along the same lines as we deal with our sexual assault victims—organising treatment and other sexual health services through other government agencies.

Senator FERRIS—If they came into the police station, would you then immediately ring DIMIA? And where would they go to stay if they had in fact been on a contract which included accommodation and they had escaped from that situation? Do you have any networks where those girls could get support, outside of the police service, that you would automatically contact?

Det. Supt Migro—There are a couple, but it would depend upon the circumstances also. If they are illegals, we are duty-bound to report it to DIMIA. We would not be wanting to put ourselves above the law, of course. We do have relationships with sex worker outreach groups, and the circumstances would dictate who we would contact and what area would be appropriate for us to look at establishing some management system—whether it is us, DIMIA or in partnership with sex worker outreach groups.

Senator FERRIS—Thank you very much.

Mr DUTTON—Superintendent, could you tell us why there is a need for you to seek this amendment to the Criminal Code in relation to commercial sexual servitude? Do you think that the Commonwealth laws are deficient at the moment? I say that in light of the fact that there is not a great deal of prevalence—or there is not evidence of it being too prevalent—in Western Australia, so could you tell us why you have sought that amendment

Det. Supt Migro—The reason is primarily that, as you say, we do not have intelligence holdings to substantiate that it is prevalent. Of course, we would be burying our heads in the sand if we were to say it did not exist. We know it does. We are a state policing organisation and as such our role is work on state offences, so it is more appropriate for us to be operating under state statute law rather than relying on federal legislation.

Mr DUTTON—All right. But you do say in your submission that it would be of help to you if offences in section 270 were classified as class 1 offences under the Telecommunications (Interception) Act.

Det. Supt Migro—Yes. I forgot to mention: if that were increased, it would give us the ability to use telephone intercepts, which is a very vital part of the way that we investigate organised criminal networks. You would have to hazard a guess that the people who are coordinating and organising these people into sexual servitude are established criminal networks. When you look at it compared with, say, the drug trade, with the drug trade they bring a substance over. Once it is sold, it has got no more commercial value for them. But with a human being, the body is sold over and over again. Also, these groups are very mobile. They move around. One of the best ways that we might be able to track them is through telephone intercepts.

Mr DUTTON—I appreciate that. That is one of the issues that we canvassed with the Victorian representative earlier today in relation to the component of organised crime and whether police think that is the case or whether it is individual operators and criminals who are operating these brothels and bringing these people in. Do you have any definite view that it is part of a more organised crime syndicate and whether or not these people are transient across state borders—working in Western Australia one week and in Sydney or Melbourne the next?

Det. Supt Migro—Our view is that for these types of syndicates to be operating, they have to be established criminal networks, and the nature of the work means that they have to be. Also, we have just restructured. We used to have a specific unit, vice investigation, and their job was checking brothels and doing that side of the sex industry. We have now restructured it and put it into organised crime investigation, where their main focus is examining established criminal networks in the sex industry. When we talk about the sex industry, we look at not just brothels but the dance clubs and all the issues related to sex industry involvement of bikies, and of course linking in very strongly is sexual servitude. That is how seriously we take it now and that is where we see it heading. It was only last week that the commissioner signed off on my request to restructure my division.

Mr DUTTON—Are there any other associated complications or considerations that we should have as part of this inquiry that you do not think we have been able to cover so far?

Det. Supt Migro—No, I think that we have covered it. One of the big things that we need to be effective as law enforcement is for us all to be linked, working together. We have a good relationship with the Australian Federal Police, DIMIA and other agencies here. One of the priorities that we are looking at and trying to put in place is access to services for the victims once we do come in contact with them, because we just cannot get them and tip them out of the country and forget them. We have to look at how we can help them. All right, they may get rehabilitated back to their own countries if they are illegals, but we have got to do something more than just throw them out the door like we have done in the past, straight off.

Senator GREIG—You said in your opening statement that your review of advertisements in Western Australian newspapers showed that some 13 per cent of prostitution services advertised were Asian females. You went on to say that in the Western Australia Police Service's view many of those would fit the description of women who may have been trafficked or working under sexual servitude conditions. What are the descriptors or parameters which lead you to the belief that these women may have been trafficked? What is it that gives you confidence in that assessment?

Det. Supt Migro—In a number of lines of assessment that we looked at, and with the checking of the intelligence of the telephone numbers, we were able to establish a link between a number of people behind the scenes who were the owners of the premises that they were advertising from and the eastern states and similar operations over there. They were basically only operating and promoting Asian females for clients.

The linkages and the knowledge of what some of those people were was the main basis of the profile. It was not only the fact that they advertised Asian females but it was the linkage to the eastern states. One of the things believed was that they moved people not just in and around Western Australia but between the states. We had done some more work later and some of these people that were operating from one phone premises address were operating from different ones a few weeks later. It is the issue of the mobility of people like that that gives us concern, because a lot of other girls that are working in the industry will spend a reasonable period of time working for one agency and not continually swapping around like some of these ones were.

Senator GREIG—Do you have enough confidence, though, to hold the belief that the particular women you are talking about are working under duress as opposed to working in lawful, consenting prostitution?

Det. Supt Migro—Our belief is that a big majority of them are doing it with their consent. They have basically entered into employment contracts and are now paying off the debt of coming to Australia on the promise of making money. Possibly some of them have been very successful, but of course it is very difficult to judge the accuracy of this. We have to make assumptions, because a lot of our data is unknown. When doing an intelligence probe on any type of issue there will always be a degree of uncertainty.

Senator GREIG—Thank you.

CHAIR—We have explored quite a bit, Superintendent. We are grateful for your input. Perhaps we will come back to you during the inquiry and ask you some further questions, if that is okay with you.

Det. Supt Migro—That is fine. I will raise one last issue. We have been talking about the victims and their access to care. There is also the issue of temporary visas, which DIMIA are now providing, that allow us to keep them here to develop evidence for briefs against the traffickers. There is also an issue in relation to the costs of keeping these people here until there is a trial or the investigation has finished. The current way these types of things operate is that, if a temporary visa is sought and gained through DIMIA, the law enforcement agency that is trying to progress the case is up for the total bill for all the costs of maintaining and supporting these people. Particularly for state law enforcement agencies, depending on the time involved, that could become quite a considerable burden to bear.

CHAIR—I understand. We really appreciate the input. We would like to thank you very much for that input and for saving us a trip over to Western Australia by providing the information over the phone.

Det. Supt Migro—You just missed out on all the perfect weather that we have had here, so it is to your detriment.

CHAIR—It is raining here, but we need the rain.

Det. Supt Migro—We are sitting on a mild 31 degrees today, so we feel sorry for you.

CHAIR—That sounds wonderful. Thanks very much, Superintendent, for your input.

Det. Supt Migro—Thank you very much.

[2.58 p.m.]

MOYLE, Ms Sally, Director, Sex Discrimination Unit, Human Rights and Equal Opportunity Commission

CHAIR—We would like to formally welcome you here and let you know that we welcome the input. We prefer evidence to be given in public, but, should you at any stage wish to go in camera, please let us know. I invite you to make an opening statement.

Ms Moyle—Thank you. Thanks to the committee for inviting me to appear before the inquiry. I am a member of the staff of the Human Rights and Equal Opportunity Commission. Over the last couple of years the commission has been involved in the issue of trafficking in women, keeping pace with Australia's development in these issues. In particular, the human rights commission has advocated a dialogue between the community sector organisations working on trafficking issues, engaged with government agencies working to address trafficking and argued in favour of a gender and human rights centred approach to all anti-trafficking work. As the committee is aware, the attention given to the issue of trafficking in women has culminated in the federal government's announcement of the \$20 million package over four years. The number of ministerial signatories to the package reflects the whole-of-government approach to this issue. The commission has supported and encouraged the government's package and welcomed its announcement. We have also said publicly that any sensitivities would obviously be expected to arise at the implementation of that package.

The commission is very encouraged that the government consulted with the commission and a wide range of relevant non-government organisations in developing its package, and it is to be commended for this approach. Interestingly, the announcement came 10 days ahead of a conference organised by the commission, Project Respect and the non-government organisation called Stop the Traffic 2 that was held in Melbourne on 23 and 24 October last year. The commission is now working with Project Respect on developing a joint training package for state and federal government agencies dealing with trafficking, focusing particularly on police and immigration agencies should they wish to take up our offer.

The commission is not a service delivery agency. We are neither tasked nor equipped to work directly with trafficked women. Therefore, I am not in a particular position to speak directly to the issue of the numbers of trafficked women or the circumstances in which they are held. However, I can comment on the different ways of conceiving trafficking numbers and on definitional issues—for example, I believe that some of the different estimates of the numbers of trafficked women are not as far apart as they might first seem. However, the commission's role is more to comment on an appropriate framework for antitrafficking work, including a framework that could usefully be adopted by the ACC. First, I think we are all aware that the problem of trafficking is not one that can be dealt with satisfactorily by piecemeal solutions. Serious efforts to eradicate trafficking clearly require a comprehensive approach that deals with the crime at all stages. This includes taking account of the causes of trafficking in source countries, ensuring legal and immigration processes in Australia are appropriate and taking steps to address the attitudes to women that drive demand in Australia and allow trafficking to prosper.

An interagency involvement should be fostered as a permanent approach to dealing with trafficking. An interagency committee on trafficking could usefully include representatives of relevant state and territory agencies, including perhaps state and territory police, departments of local government, attorneys-general and care and protection agencies. The community sector should also be directly engaged. You may be aware that in Thailand, for example, the government has facilitated a series of memoranda of understanding between government agencies, between non-government organisations and government agencies and between non-government agencies themselves. The approach has a great deal to recommend it, I would suggest.

It is vital to take account of the dynamics of trafficking in dealing with it. While many violent crimes committed against women are not isolated incidents but form part of a pattern of violence and disadvantage suffered by the victim, this is particularly so in the case of trafficking. The generally extreme violence and disadvantage suffered by trafficked women should be understood as one of the central dynamics of trafficking, and ensuring the safety and recovery of trafficked women should be a central priority for all government scrutiny or regulation of the sex industry, including by state and local government agencies. It will be important to monitor the use of trafficking visas that have been made available. A woman giving evidence in any trafficking prosecution takes a great risk. As the industry is a small one, a woman who gives evidence is generally easily identifiable. The visas should be adequate to assure the longer term safety of the subject and ensure that accepting such a visa is not an overwhelmingly bad gamble for the woman.

Once a comprehensive program to address trafficking and to provide for the safe recovery of trafficked women has been implemented, we could expect that the fear of authorities amongst trafficked women may diminish. This should contribute to the ability of government to successfully prosecute and prevent trafficking in the longer term. It may also allow for a public awareness campaign aimed at reducing demand for trafficking in women. Raising awareness of the government's approach could be more successful. The commission would suggest that human rights should be central at every stage of the process. It is not a rhetorical or esoteric concept but it is a very pragmatic framework within which problems are addressed and solutions are implemented. Ultimately, it is essential that we respond to trafficking by centrally recognising the personhood and the subjectivity of women involved in trafficking. They are strong subjects in their own lives and should be the subjects and not the objects of all of our responses.

CHAIR—Thank you. You mentioned that you did not think the estimates of the number of people involved were that far apart. Given those parameters of your comment, what would be your best estimate of how many are involved in this area in Australia?

Ms Moyle—The only comment I can make in this regard refers in particular to the estimates that Project Respect might make and that organisations such as Scarlet Alliance might make. Project Respect's conservative estimates range from several hundred up to 1,000 a year, I think. I have heard Scarlet Alliance say that they believe there may only be a handful of women trafficked a year. However, I think they will acknowledge that there are several hundred women a year coming on job contracts. My feeling is that the differences in attitudes between those organisations might dictate that difference more than anything, and that they are talking factually about something that is actually quite similar. I would suggest that technically it may be that the

women who are here on contracts should be assumed as a starting point to have been trafficked technically, for the definitions that we are discussing. However, I think Scarlet Alliance really wants to emphasise the subjectivity in the agency of those women engaged and that, while they are making a constrained choice, it is nevertheless a choice. They are rejecting the limited victimhood, I suppose, of the women engaged. But I think that somewhere in that amount we might be hitting somewhere near the reality.

CHAIR—I understand. I think that is a good definition. It has been put forward by the Scarlet Alliance that perhaps we should be providing visas for those involved in the sex industry, in the same way as we provide visas for people on working holidays to pick grapes et cetera. They suggest that because in most states it is a legalised industry we should be able to provide visas for people in the sex industry. Do you have any views on that?

Ms Moyle—The commission, I doubt, would have any particular view on it, except to say that in those states where it was legal there ought to be little barrier to that.

CHAIR—What about the concept of coordinating information, perhaps in a body such as the ACC, and of registering foreign nationals who are working in the sex industry so that there could be a coordinated approach?

Ms Moyle—The commission's point of view on that would be that there needs to be very strong reason for coordinating from a surveillance or policing point of view the movements and the work of people in Australia who are here legally. My concern would be that the information would be used more for policing and surveillance than for the protective human rights point of view of the women concerned. I would have some concern on that. The commission would be unlikely to accept a registration for workers in one industry that would not be required of workers in another industry.

CHAIR—In terms of the temporary protection visas that are provided, it seems in terms of the evidence that we have that one of the approaches of those bringing women down under contracts is that when they arrive their passports are taken away and then they have a migration agent who applies for refugee status for them, which in most cases does not work at all but which allows an extension. What do you think of that approach in terms of using refugee or asylum applications?

Ms Moyle—I think you are right, in that they would rarely be successful. I know there has been a successful application in the case of a woman from Myanmar. She was able to show that the country had condoned the trafficking or had in fact participated in it. For the purposes of achieving refugee status, that would often be very difficult to prove. In most cases it would not be available to you. I do not think that it is a viable option as a run-of-the-mill approach. Use of a woman's passport and her name to make an application for refugee status that is ultimately going to fail, all in the name of keeping her in the country for some time, is obviously exploitation. Many of the women, I understand, do not consent to that process taking place—being aware that an application that is going to fail is not going to look good on their immigration record later on.

CHAIR—How can we overcome that problem? They are not aware of it. It is happening. It extends their stay. It suits the traffickers to handle it that way. What approach should we be recommending as a committee for the government to help solve that problem?

Ms Moyle—Successfully addressing the issues of trafficking would allow us from a position of strength to run a public awareness campaign around trafficking. That would mean that you could provide to women who are coming into Australia on a visa to work as a sex worker, if that were available, information outlining to them the traps and pitfalls if they were in a position of exploitation. I doubt, though, that if they were in serious exploitative positions they would be in a position to prevent it. So I suppose some kind of further filtering of applications before the refugee tribunal could be of use.

CHAIR—Apparently they are often put in by agents and so on on their behalf. Maybe requiring a personal submission where they would have to personally apply for refugee status would work. Do you think that is workable?

Ms Moyle—I cannot really comment on the practicalities of Refugee Review Tribunal applications.

CHAIR—I do not mean the Refugee Review Tribunal; I mean the primary stage, when they first put in an application for refugee status. We are only thinking in an embryo stage and wondering whether there is some validity in requesting that they have to personally put it in, which of course would allow for dialogue about the situation which they are in, and make it not quite as easy for these people to bring them down in that situation, simply using it as a ruse for extending. Because of the nature of your organisation, I just wanted to test that and see what you thought of it.

Ms Moyle—I think my commission would have no problem with internal screening. If it meant that women who are from a certain demographic needed to jump through extra hoops to put in an application, we might have some difficulty but, if it is done in the least intrusive way and with the greatest protective approach, then I guess it may not have the same problem.

CHAIR—It is something we should pursue when we talk to DIMIA tomorrow. We can talk to them about these and other matters. The people from Scarlet Alliance et cetera might want to have their own say on it. Colleagues, are there any questions?

Senator FERRIS—There is one thing that comes to my mind, and that is whether you have any thoughts on the sort of personality that makes a woman vulnerable to trafficking. Has HREOC ever looked anything like that or considered any studies like that?

Ms Moyle—Just from my personal reading, it appears that there may well be—obviously—a range of different personalities. I do not think a typology is necessarily going to be appropriate. Interestingly, sometimes it is those more adventurous young women that find themselves at risk. And sometimes it is not the poorest women.

Senator FERRIS—So poverty is not a key driver necessarily?

Ms Moyle—I think poverty is a significant factor, but I do not think it is the cause of trafficking. I have often said in various public appearances that I do believe it is, at heart, a gender issue. Even if we were all of us living in circumstances of middle-class wealth we would still see trafficking in women so long as we did not change the acceptance that women can be

sexually exploited. Poverty is an issue, but I think some survey work in source countries indicates that it is not the driving issue. It is not the poorest women that are leaving.

Senator FERRIS—Have you ever done any follow-up studies to see whether women who are returned to their country of origin as trafficked women are churned around and come back out, not necessarily to Australia but to another country?

Ms Moyle—Anecdotally I am aware that in Australia a lot of the women who are working on contract here are on a second or subsequent contract and so may well have been re trafficked. Certainly, from my contacts in South-East Asia, in the Mekong region particularly, it appears that a lot of the women are not able to be successfully repatriated on the programs that are available because they do not really lead to any general increasing acceptance of the women repatriating to their home communities. So there is really no place for them when they go back. So in effect there is a serious degree of churning. I hear of stories in Bangkok at the refuge there of women escaping, basically, jumping the fence and going back to Patpong et cetera.

Senator FERRIS—Is that simply for financial reasons or because they are unable to be reunited with their families or for some other reason?

Ms Moyle—It is concern about not being accepted back into their home communities or the fact that they have cut their ties with their communities and would really now rather pursue the life that they had found themselves in before.

Senator FERRIS—One of the other areas that we have explored a little—and I think you might have heard me ask the previous witness about it—is the degree to which police have the capacity to handle the sorts of situations where women might, as they did last night in Surry Hills, go running into a police station. Do you have any thoughts on how that could or should be dealt with in a different or better way? For example, I accept the question of the illegality having to be a driving force, but I also wonder whether there is a place for ringing one of the sex worker support networks to enable those women to have somebody with them when they are being interviewed. I would have thought they would be extremely vulnerable at that point.

Ms Moyle—I think it is extremely important that the women who approach authorities, at whichever stage and in whichever way they do it, are given that support immediately. They need to be in a position of being able to build a level of trust with one person so that they can then use that person as their conduit to provide information to police or immigration authorities and to support them through that really traumatic process. In terms of training for police, I think police will often be the front-line agency of course and people may well start fronting up to police stations if they are aware that there would be some redress taken. And it will be the local police station that they approach. The difficulty is figuring out how you target the training for police.

I mentioned that the human rights commission and Project Respect are currently developing a training program which we would like to make available to police and other agencies. Our feeling is that we need to target police at three levels: firstly, at the most senior level, so that you get some buy-in from the most senior police; secondly, at the middle management level, the senior station officer level; and, thirdly, at the very front line, the young constable level. As the previous witness suggested, it may be that you could double-up trafficking expertise with sexual assault or domestic violence expertise. But in those stations where you are likely to be coming

across trafficked victims you would probably need at the front line somebody with the particular expertise to know who to call and which experts to draw in. They do not need ongoing expertise, but they would need to know who to call first, and one of those people should always be an NGO or community advocate.

Senator DENMAN—You stated that a lot of the women coming in are not necessarily from poor backgrounds. How many of those coming in do not know what they are coming to?

Ms Moyle—I do not know. I am sure you have had witnesses appearing before you who would be in a much better position to tell you that than I would.

Senator DENMAN—Have you come across them?

Ms Moyle—No, not in my work, although I deal directly with both the Scarlet Alliance and Project Respect, so I have the same kind of information that no doubt they would have given you.

Senator DENMAN—I was a bit surprised by your statement that they were not necessarily from poorer backgrounds, because that is what I had assumed to be the case.

Ms Moyle—I am sure that they are poor, but they are not the poorest. Obviously, there are a range of different reasons. Sometimes it is some of the poorest families that sell their children into bondage, but it may be that women who find themselves drawn into a cycle of exploitation are not the poorest or the most disadvantaged.

Senator DENMAN—Is it only women? Is this happening with men as well?

Ms Moyle—Internationally, there is a lot of discussion around the gender breakdown, and of course there are a lot of different sorts of trafficking. For sexual exploitation, I would suggest that the vast majority is sexual exploitation of women, but there is also a great deal of child sexual exploitation which of course includes boys. Most estimates seem to indicate that 80 to 90 per cent of all trafficking in people relates to women. For men it is mostly for labour exploitation—camel jockeys, fishermen, builders labourers and labourers with special expertise and that kind of thing.

Senator GREIG—To pick up from Senator Denman on poverty, I guess that to some degree it is relative, isn't it? With few exceptions, people coming to Australia from Thailand, in terms of our pay scales and lifestyle, might be deemed to be poor, and certainly poorer. My question is more about the notion that you raised of reducing the demand for trafficked women. I wonder if you could expand on that. What exactly did you mean? Stop me if I am wrong, but were you suggesting a kind of nationwide education campaign around alerting the community to the existence of trafficked women, and perhaps hoping as a consequence that brothel clients would be more cautious?

Ms Moyle—Commissioner Goward and I have in the past met with the then interdepartmental committee on trafficking, which was considering methods of raising awareness about these issues, and there was a discussion about whether a public awareness campaign might be useful. It may well be that the time comes in Australia when we feel that we are dealing effectively

enough with trafficking such that any further contacts with trafficked women will be properly dealt with. At that stage, I think it may be appropriate for us to start producing public awareness material aimed at the clients of brothels, perhaps, as you say, to caution them that they may be dealing with women who are in extremely exploited positions; it may be that they are not aware of it. It may also be that many of the clients are very well aware of it and we need to get to an even deeper level of attitude change that would address the gender discrepancies that allow men to think that it is a sexually attractive thing to do. That is obviously an ongoing attitudinal change that we need to deal with, and my commission is generally engaged in promoting equality between men and women.

Senator FERRIS—I suppose we tend to think of trafficking as being specific to women, but obviously it is not, if you think about it. Have you ever tried to put a percentage on the number of men who might be trafficked—I suppose that is young boys in particular?

CHAIR—Young girls and boys.

Senator FERRIS—Children.

Ms Moyle—I have not heard so much information about the breakdown between age variations, but I think internationally the various percentages are 80 to 90 per cent for sexual exploitation of women and 20-odd per cent for labour exploitation that may engage men as well. Again, I do not think that is something anybody can really definitively decide.

CHAIR—You have not heard of trafficking into this country of boys and girls from Asia?

Ms Moyle—I have not heard of any such cases, although of course some of the women who have been trafficked here may be under 18 years of age. In terms of young children being trafficked here, I have not heard of that, although there have been occasions of labour trafficking, for example—

CHAIR—I suppose the paedophile situation is one in which they go there, as in the recent example in Indonesia.

Ms Moyle—That is generally the feeling.

CHAIR—Sorry, I interrupted you when you said, ‘For example.’

Ms Moyle—For example, there was a case a few years ago of some specialist stonemasons from India who were trafficked into Australia. There are often cases that we hear of whereby fruit-pickers are exploited and trafficked here as well.

CHAIR—Thank you very much. I appreciate your input.

Evidence was then taken in camera—

Committee adjourned at 5.16 p.m.