



Submission No 43

**Inquiry into Slavery, Slavery-like conditions and People
Trafficking**

Organisation: Victorian Department of Justice and
Victoria Police



Joint Victorian Department of Justice and Victoria Police submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade's Inquiry into Slavery, Slavery like Conditions and People Trafficking

Key Points

- **Victoria's approach to labour trafficking and slavery involves collaboration between a number of government and non-government agencies and involves cooperation between Federal, State and Territory law enforcement agencies.**
- **Victoria's main agencies for responding to labour trafficking and slavery are the Department of Justice and Victoria Police.**
- **Victoria's experience to date indicates that victims of labour trafficking are predominantly found in the sex industry.**
- **Reforms to sex industry regulation will improve Victoria's response to labour trafficking in that industry and augment Victoria's capacity to prevent, detect and prosecute labour trafficking and related crimes.**
- **Acknowledging the empirical evidence that labour trafficking is not limited to the sex industry, Victoria plans to develop its capacity to identify and tackle labour trafficking in other industries such as agriculture, hospitality and construction.**
- **In conjunction with Federal, State and Territory law enforcement partners, Victoria Police and the Department of Justice continue to implement the Australian Policing Strategy to Combat Trafficking in Persons.**
- **Victoria's response to the issue of labour trafficking is informed by:-**
 - **intelligence-led police operations and information gathered by law enforcement and other agencies on the nature and extent of labour trafficking in Victoria and other Australian States and Territories;**
 - **collaboration across government and non-government sectors to offer practical and financial support to labour trafficking victims, and to prosecute offenders, including pursuing any proceeds of crime;**
 - **empirical evidence on the issue of labour trafficking; and**
 - **direct engagement with the United Nations Special Rapporteur on trafficking in persons, especially women and children, including developing practices based on the Special Rapporteur's published reports.**

Introduction

1. The Department of Justice and Victoria Police welcome the opportunity to make a submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade's inquiry into Slavery, Slavery like Conditions and People Trafficking (the Subcommittee).
2. Whilst other government departments are involved in this domain, for example the Department of Human Services and Department of Premier & Cabinet, Victoria Police and the Department of Justice are the main government agencies responsible for Victoria's response to people trafficking and slavery matters.
3. The Subcommittee has indicated that it intends to inquire upon:-
 - Australia's efforts to address people trafficking, including prosecuting offenders and protecting and supporting victims;
 - ways to encourage effective international action to address all forms of slavery, slavery-like conditions and people trafficking; and
 - international best practice to address all forms of slavery, slavery-like conditions and people trafficking.
4. Acknowledging the limits of State and Territory influence over international action on slavery, slavery-like conditions and people trafficking, Victoria's submission focuses mainly on the first of the Subcommittee's focus areas, specifically, Victoria's efforts to support the implementation of the Australian Policing Strategy to Combat Trafficking in Persons 2011-2013.
5. The submission also describes recent reforms to the legislative framework governing Victoria's sex industry, an industry in which a majority of the human trafficking victims in Australia have been discovered.
6. Victoria acknowledges recent research that indicates human trafficking occurs in other industries such as agriculture, hospitality and manufacturing and may involve forms of slavery and slavery-like conditions.¹ For this reason, Victoria's submission hereafter refers to the issue using the broader term 'labour trafficking', a term that captures human trafficking into the sex and other industries.

¹ Australian Institute of Criminology (2011) Labour trafficking. Research and Public Policy Series Number 108.

Broader policy context

Parliament of Victoria's Drugs and Crime Prevention Committee's Inquiry into People Trafficking for Sex Work

7. While Victoria continues to develop its understanding of the dynamics and extent of labour trafficking markets and operators, experience to date indicates that a majority of the victims of labour trafficking in Victoria have been women in the sex industry.
8. Related to this fact, in 2009, the Parliament of Victoria's Drugs and Crime Prevention Committee (DCPC) conducted an inquiry into people trafficking for sex work in Victoria. The DCPC's final report was published on 8 June 2010.²
9. The DCPC's final report made 27 recommendations for Victorian Government action and Commonwealth Government action.
10. These recommendations have informed the Victorian Government's response to the issue of labour trafficking in the sex and other industries. The report's recommendations have led to reforms in operational policy and legal frameworks in areas such as:-
 - cross - government coordination to tackle labour trafficking in the sex industry;
 - education and training for government and law enforcement; personnel aimed at raising awareness of labour trafficking; and
 - victim support and victim services.
11. These and other initiatives as well as ongoing work are described in more detail in the body of the submission below.

Government's Action Plan to Address Violence against Women and Children 2012-2015

12. Mindful that a majority of victims of labour trafficking in Victoria have been women trafficked into the sex industry, Victoria's response to the issue of labour trafficking is broadly captured within the Victorian Government's Action Plan to Address Violence against Women and Children 2012-2015 (the Action Plan).
13. This plan will attract over \$90 million in funding in 2012-13 and is geared towards a range of initiatives to prevent violence against women and children including prevention and detection initiatives, additional law enforcement and courts resources. The Action Plan complements the Federal Government's National Plan to Reduce Violence against Women and their Children 2010-2022.
14. The Action Plan will also provide early intervention services and fund support services for victims of violence and sexual assault, crimes that commonly feature in cases of labour trafficking.
15. Other health and education initiatives within the Action Plan aim to identify vulnerable women in the sex industry and to prevent violence by encouraging increased reporting and identification of perpetrators of

² Drugs and Crime Prevention Committee Inquiry into People Trafficking for Sex Work – Final Report. Parliament of Victoria 2010.

violence against sex workers. It also provides support to sex workers when they report assaults to police.

Specific initiatives and activities

Operational policy and legal reforms in the regulation of the sex industry

16. The Victorian *Sex Work and Other Acts Amendment Act 2011*, which was passed in December 2011, confirmed Victoria Police as the lead agency for the enforcement of laws relating to the sex work industry.
17. It also expanded the court-ordered forfeiture powers in the *Confiscation Act 1997 (Vic)* to apply to additional sex work offences. It also expanded the powers for automatic forfeiture and civil forfeiture in that Act to apply to more serious sexual servitude offences. This will assist authorities to disrupt and deter illegal activities by depriving offenders of nefariously generated income.
18. These powers are widened to apply to the offences of carrying on a business as a sex work provider with an unlicensed partner and also offences related to illegal advertising, as well as additional serious sexual servitude offences under the *Crimes Act 1958 (Vic)*.
19. The legislative reforms have also led to operational restructuring within Victoria Police, some of which are directly aimed at tackling labour trafficking and slavery in the sex industry.
20. Victoria Police established the Sex Industry Coordination Unit (SICU) in March 2012 to identify illegal activity in the sex industry, to protect vulnerable persons from exploitation and to co-ordinate and facilitate the exchange of information and intelligence between key stakeholders.
21. The SICU also provides subject matter expertise in relation to the sex industry, coordination of activities between external stakeholders and internal investigative teams and information sharing between relevant agencies. The SICU undertakes enforcement activity and its resources, expertise and intelligence, amongst other things, are focused on exploitation of people through labour trafficking or the discovery of underage persons. Importantly, the SICU has an established and productive working relationship with the AFP Human Trafficking Team.
22. The Victorian Chief Commissioner of Police has also established the Victoria Sex Industry Strategic Management Group (VSISMG) comprised of representatives from local councils, the Department of Justice (Consumer Affairs), the AFP, the Department of Immigration and Citizenship and the Australian Taxation Office to oversee a multi-agency enforcement program aimed at stamping out illegal and criminal behaviour in Victoria's sex work industry.
23. The intelligence and information shared by agencies within the VSISMG assists in the identification, arrest and prosecution of illegal brothel operators in Victoria, and, amongst other objectives, will help to prevent, detect and prosecute labour trafficking, slavery and other related offending.

Operational policing strategies and tactics

24. Along with all other State, Territory and Federal law enforcement agencies, Victoria Police is implementing the Australian Policing Strategy to Combat Trafficking in Persons (APSCTP). The Standing Council on Police & Emergency Management has endorsed APSCTP and undertaken to assist in ensuring that police have the relevant legislative and technical tools to investigate those responsible for labour trafficking within Australia.
25. Among other objectives, APSCTP aims to ensure that law enforcement agencies have the resources and enforcement capacity to prevent, detect and investigate cases of sexual slavery and human trafficking and where appropriate, prosecute those responsible. In short, the strategy endeavours to make Australia a hostile environment for those involved in labour trafficking and to provide compassionate care and support for victims.
26. Victoria recognised the significant value in State and Territory police agencies assigning an officer/s to help form a strategy implementation network. Consequently, Victoria Police has assigned a delegated officer to:-
 - assist the AFP with assessments on the nature and extent of trafficking of persons for exploitation in the sex and other industries in the States and Territories;
 - provide a delegated contact point for the AFP which is responsible for assisting with the implementation of the strategy and of the development of performance indicators to assess the strategy's ongoing efficacy;
 - undertake timely, robust and credible intelligence and situation assessments on human trafficking in Victoria as a priority, and to assume responsibility for any other work necessary to implement the strategy;
 - provide timely and reliable annual reports on progress against each element of the strategy; and
 - in conjunction with the AFP, identify the operational, legal and financial challenges that the strategy engenders for State and Territory policing agencies and take action to address these.
27. The Victorian Department of Justice also has a delegated contact point for the AFP in respect of the APSCTP. That officer provides advice to police on related Victorian government policy and law reform projects that may assist in implementing the strategy and provides updates to relevant Ministers on the strategy's progress.
28. In summary, Victoria continues to implement the APSCTP with a particular focus on the sex industry. However, Victoria is aware that labour trafficking can occur in a range of industries such as building, hospitality, agriculture and domestic labour services.

Building awareness of labour trafficking in government and law enforcement personnel

29. Victoria recognises the importance of ensuring that relevant authorities and officials, such as police, border guards and immigration officials are adequately trained to identify trafficked persons.
30. To that end, the Victorian Department of Justice and Victoria Police is endeavouring to build awareness of labour trafficking in other government departments with responsibilities for regulating relevant industries such as agriculture, hospitality and construction.
31. Victoria Police continues to utilise the training resources available from the AFP to improve the abilities of its officers and intelligence analysts to identify signs of labour trafficking in the course of law enforcement activities.
32. The AFP has already made available to Victoria Police online training modules, instruction manuals for investigating labour trafficking as well as places for Victoria Police staff on specialised courses with its Human Trafficking Team. More Victoria Police and other government personnel will be trained in 2013.
33. Most recently, members from the SICU attended an AFP training course on human trafficking. The SICU has been working with members of the Victoria Police Crime Department to develop a training module that can be rolled out across Victoria Police to increase members' awareness of human trafficking, including slavery.

Victim support and compensation

34. It is important to note that Victoria Police works within a victim centred framework and makes referrals to agencies to ensure victims receive support. Victoria Police has established relationships with relevant non-government agencies including Australian Catholic Religious Against Trafficking in Humans, Project Respect and the Red Cross to ensure that appropriate referrals and support are provided to victims of labour trafficking and slavery.
35. Victoria Police has also created an Intranet page, which instructs and provides advice to members on how to recognise and respond to human trafficking including advice on referral agencies and other resources.
36. Victoria Police is also developing online and face-to-face training modules to increase members' awareness of labour trafficking with an emphasis on appropriate referrals for victims and initiating and developing appropriate investigative responses including collaboration with the AFP.
37. The Victorian Government funds the *Pathways to Exit* program to support workers who wish to leave sex work and find employment in alternative industries. The program is open to workers who entered the industry at their own choice, as well as those coerced into various situations of slavery and debt bondage by human traffickers.
38. In another part of the Victorian criminal justice system's response to labour trafficking, the Department of Justice has also encouraged key

legal professional bodies, such as the Judicial College, Law Institute and Victorian Bar, to consider sex trafficking issues in professional development programs.

39. The Judicial College of Victoria is currently developing a judicial education program for judicial officers on people trafficking for sex work. The topic will be included in a series of programs on Current Issues in Criminal Law.
40. Enabling trafficked persons to exercise their right to compensation in a meaningful manner is also a feature of Victoria's response to labour trafficking and related crimes. Victoria's statutory framework is designed to provide victims with access to information, free legal assistance and other assistance necessary in respect of seeking compensation as victims of crime. In addition, victims' rights to privacy, safety and witness protection (where necessary) can be made available to victims when participating in legal proceedings.
41. Apart from the comprehensive suite of support services offered by the Commonwealth (Department of Immigration and Citizenship visa assistance, Red Cross counselling accommodation and other services), victims of labour trafficking can be eligible for Victims of Crime Assistance Tribunal (VOCAT) and *Sentencing Act 1991* compensation in Victoria.
42. In relation to VOCAT, this depends on the victim's circumstances and whether any act of violence has occurred. This is a common feature of labour trafficking cases, for example in the sex industry, where the sexual servitude involves unwilling sexual conduct, deprivation of liberty or threats to kill.
43. Notably, the only known application to VOCAT to date was from a victim who was trafficked into the sex industry. This application was successful.
44. Victoria also recognises the need to reach out to populations at a higher risk of being trafficked and to disseminate accurate and realistic information about risks of migration and trafficking, as well as practical advice on how to seek assistance when prospective migrants face problems.
45. Complementing the efforts of non-government outreach work, section 60A of the *Sex Work Act 1994* (Vic) already requires licensed brothels to display prescribed signage relating to sexual slavery.
46. The *Sex Work Regulations 2006* (Vic) prescribe the form of the signage and must be clearly visible and legible, translated into both traditional and simplified Chinese, Korean, Russian and Thai. The signage requirements have been in place since December 2010, and stakeholder feedback as to the effectiveness of signage requirements to date is currently being considered so that further improvements can be made.
47. The signs help sex workers to identify whether they or someone they know is engaged in sexual slavery and how they can get help and alert clients of brothels to potential sexual slavery.

Victoria's interface with the United Nations Special Rapporteur on trafficking in persons, especially women and children

48. In November 2011, the Victorian Department of Justice hosted a visit by Ms. Joy Ezeilo, the United Nations Special Rapporteur on trafficking in persons, especially women and children (the Special Rapporteur). Victoria Police also met with the Special Rapporteur and engaged in productive dialogue on issues she identified as important in combating labour trafficking.
49. Appointed by the United Nations Commission on Human Rights, the Special Rapporteur undertakes country visits in order to study the situation in situ and formulate recommendations to prevent and/or combat trafficking and protect the human rights of its victims in specific countries or regions.
50. Victoria continues to monitor the Special Rapporteur's annual reports and "visits to countries" reports to gather information and evidence that may assist in improving Victoria's response to the problem of labour trafficking.

Conclusion

51. In conjunction with Federal, State and Territory partners, Victoria has taken significant steps to combat labour trafficking and slavery and related criminal offences.
52. Empirical research evidence, law enforcement intelligence and information from non-government organisations has informed Victoria's statutory and operational reforms aimed at preventing and detecting labour trafficking and slavery, prosecuting offenders and supporting victims.
53. Based on emerging evidence indicating that labour trafficking is not limited to the sex industry, Victoria will continue to develop its capacity and expertise in preventing, detecting and prosecuting labour trafficking in industries such as agriculture, hospitality and construction.