

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS  
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

**Question No. 115**

**Senator Ludwig asked the following question at the hearing on 23 May 2007:**

With regard the prosecution of cases regarding human trafficking since 1 January 2004:

- a) How many such cases were referred to the CDPP for prosecution?
- b) How many such persons has the DPP commenced prosecutions against?
- c) Provide a breakdown of the prosecutions of those persons showing –
  - i) The charges laid against each person;
  - ii) The outcome of those charges (i.e. Was the individual charge dropped, was the person convicted of the charge, was the person convicted of a lesser offence, was the person acquitted of the charge).

**The answer to the honourable senator's question is as follows:**

- a) As at 5 February 2008, 29 defendants.
- b) The Australian Federal Police generally commences prosecutions by exercising its powers of arrest and charge with respect to cases of alleged people trafficking. The effect of this is that charges are often laid in these matters before a brief of evidence has been referred to the DPP for its consideration.
- c)
  - i) Of the 29 defendants, there have been 11 defendants against whom the DPP has discontinued prosecution action all on evidentiary grounds. Four of the defendants were charged with slavery offences (s270.3(1) of the *Criminal Code*) and sexual servitude offences (s270.6(2) of the *Criminal Code*). The matter against the four defendants was discontinued after the DPP considered the brief of evidence. The other seven defendants involved two trials, with four defendants in one trial charged with slavery offences and three defendants in the other trial charged with slavery offences and related state offences. In both trials the jury was unable to reach a verdict and the DPP decided on evidentiary grounds not to proceed to second trials against those seven defendants.
  - ii) Of the remaining 18 defendants, the CDPP has prosecuted ten defendants for trafficking offences:
    - a) Five defendants have been convicted of slavery offences under s 270.3 of the Code. Two of the defendants are awaiting sentence. Two other defendants have lodged an appeal against their conviction and sentence.
    - b) Two defendants were convicted of sexual servitude under s 270.6(2) of the Code and they have lodged an appeal against their conviction and sentence which is yet to be heard.

- c) One defendant was acquitted on eight counts of slavery pursuant to s 270.3(1)(a) of the Code. The jury was unable to reach a verdict in relation to two other slavery counts. The DPP discontinued the proceedings against the defendant after determining that there was insufficient evidence to prosecute the two remaining counts of slavery.
- d) One defendant was acquitted on one count of trafficking a person under s 271.2(1B) of the Code (forced labour) following a jury trial. He was convicted of one count of dishonestly influencing a Commonwealth public official contrary to s 135.1(7) of the Code.
- e) The defendant Wei Tang was convicted of slavery offences following a jury trial. Her conviction was quashed on appeal and a retrial ordered. The appeal raised a number of legal issues and the DPP has appealed to the High Court of Australia on those issues. As yet, a date for the appeal has not been set down. The re-trial will not take place until the appeal to the High Court of Australia has been finalised.
- f) The DPP has four prosecutions for trafficking offences currently before the courts that are not referred to above. Three of the matters involve slavery allegations of a sexual nature. The fourth matter involves an allegation of deceptive recruiting for the purpose of trafficking. There are eight defendants involved in these four prosecutions.