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**Government Response to the Supplementary Report of the
Parliamentary Joint Committee on the Australian Crime Commission
“Inquiry into the trafficking of women for sexual servitude”
released in August 2005**

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Introduction

People trafficking is a morally offensive and pervasive form of transnational crime and will not be tolerated in Australia. The Government remains committed to fighting this crime and has allocated a further \$38.3 million over the next four years to the Whole of Government Strategy to Combat People Trafficking (the Strategy). The measures contained in the Strategy address the full trafficking cycle from recruitment to reintegration, and lend equal weight to the critical areas of prevention, prosecution and victim support.

In June 2003, the Parliamentary Joint Committee on the Australian Crime Commission (the Committee) commenced an inquiry into the work of the Australian Crime Commission in assessing trafficking in women for the purposes of sexual servitude in Australia. The Committee released its report in June 2004 and the Government’s response was tabled in 2006.

In June 2005, the Committee decided to revisit the issue of people trafficking and evaluate the progress of the implementation of its recommendations. The Committee released a supplementary report in August 2005. The Committee made three recommendations, which are addressed below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The Committee recommends that the ACC continue its involvement in law enforcement on strategies against sexual servitude and trafficking in women.

Response:

Accepted.

In October 2003, the Australian Crime Commission (ACC) Board authorised a People Trafficking for Sexual Exploitation (PTSE) special intelligence determination. The primary aim of the PTSE determination was to contribute to law enforcement and government understanding and knowledge of issues relating to PTSE activity nationally.

Although the PTSE determination ceased operation on 30 September 2006, the ACC continues to gather information relating to PTSE through its intelligence gathering processes. If a need to use coercive powers is identified this would be requested through ACC Board processes. The ACC’s coercive powers have been an important tool in gathering intelligence and identifying new lines of inquiry.

Recommendation 2

The Committee recommends that a review of the new legislation take place a year after its implementation, and as part of that review, consideration be given to amendments to include the provision to the court of victim impact statements specific to these offences, similar to those contained in the NSW Crimes (Sentencing Procedure) Amendment (Victim Impact Statements) Act 2004.

Response:

Accepted in part.

The *Criminal Code Amendment (Trafficking in Persons Offences) Act 2005* inserted new trafficking-related offences into the *Criminal Code* that comprehensively criminalise trafficking in persons activity, fulfilling Australia's legislative obligations under the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* supplementing the *United Nations Convention against Transnational Organized Crime*. The Act came into force on 3 August 2005.

The new provisions provide a broad range of people trafficking-related offences for investigators and prosecutors to pursue. While it is too early to undertake a formal review of the legislation, the Government will continue to monitor the offences to ensure they remain an effective deterrent to such conduct.

The Government is reviewing the use of victim impact statements as it considers its response to the Australian Law Reform Commission Report 103 - *Same Crime, Same Time: Sentencing of Federal Offenders*. The Report includes a number of recommendations on the use of victim impact statements which must be considered in the context the broader approach to federal sentencing. This includes whether any legislative provision for the use of victim impact statements should apply more generally, beyond offences related to trafficking in persons.

Under existing arrangements, the impact that a Commonwealth offence has on victims can be taken into account by the Court when sentencing the offender.

The *Crimes Act 1914* (Cth) provides that the personal circumstances of the victim and any injury, loss or damage resulting from the offence must be taken into account when determining the sentence to be imposed on a federal offender (paragraphs 16A(2)(d) and (e)).

Commonwealth law also picks up State and Territory provisions regarding victims' interests. All States and Territories have legislative provisions or court rules providing for the interests of victims to be taken into account in sentencing.

Recommendation 3

The Committee recommends that the ANAO consider undertaking an evaluation of the results of the National Action Plan, after three years of operation.

Response:

The Auditor-General develops an Audit Work Program (AWP) annually which is published in July each year. In developing the AWP, the Auditor-General pays high regard to the input of parliamentary committees. Having regard to the work already done on the subject of sex workers in Australia in Audit Report No. 7, 2006-2007, "Visa management: Working Holiday Makers, and other priorities", the Auditor-General decided in June 2007 to carry out a Performance Audit of the National Action Plan early in 2008-2009.