

RECOMMENDATIONS

Recommendation 1

2.12 The Committee recommends that proposed subsections 271.2(1) and 271.5(1) of the Bill be amended to remove any reference to the consent of victims.

Recommendation 2

2.16 The Committee recommends that proposed subsections 271.2(1) and 271.5(1) be amended to include in the trafficking offences an element of a purpose of exploitation.

Recommendation 3

2.30 The Committee recommends that proposed sections 271.2 and 271.5 be amended to remove any doubt that they apply to each of the means of trafficking listed in the definition of 'trafficking in persons' contained in Article 3(a) of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Torture*, United Nations, 2000.

Recommendation 4

2.31 The Committee recommends that proposed subsection 270.7(1) be amended to include an express reference to deception about the nature of sexual services a person will be required to provide and to deception about the quantum of any debt or purported debt owed or which will be owed by the person.

Recommendation 5

2.32 The Committee recommends that proposed sections 271.2(2) and 271.5(2) be amended to include an express reference to deception about:

- the nature of sexual services a person will be required to provide;
- the quantum of any debt or purported debt owed or which will be owed by the person;
- the extent to which the person will be free to leave the place or area where the person provides sexual services;
- the extent to which the person will be free to cease providing sexual services; and
- the extent to which the person will be free to leave his or her place of residence.

Recommendation 6

2.52 The Committee recommends that the Bill be amended to adopt the definitions of the 'trafficking in persons' and 'exploitation' contained in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Torture*, United Nations, 2000 As mentioned above, the Committee also

recommends that the trafficking offences be amended to include an element of a purpose of 'exploitation'.

Recommendation 7

2.53 The Committee recommends that proposed sections 271.2, 271.4, 271.5 and 271.7 be amended to remove any doubt that they apply to non-commercial sexual exploitation.

Recommendation 8

2.54 The Committee recommends that the definition of 'exploitation' in the Bill be amended to include an express reference to servile marriages.

Recommendation 9

2.63 The Committee recommends that the definition of 'debt bondage' in Item 10 of the Bill be amended to include a reference to exploitative contracts that impose excessive up front contract amounts and which are manifestly unfair.

Recommendation 10

2.88 The Committee recommends that the Bill should be amended to include in Division 270 of the Criminal Code the same definition of 'deceive' that the Bill currently includes in proposed Division 271.

Recommendation 11

3.20 The Committee recommends that the provisions of the Bill be subject to further and wider consultation, including with State and Territory governments.

Recommendation 12

3.21 The Committee recommends that in the process of consulting State and Territory governments, the Bill also be referred to the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General for comment.

Recommendation 13

3.40 The Committee recommends that the Bill be amended to ensure that Part IAD of the Crimes Act 1914 applies to offences against the proposed Division 271 of the Criminal Code inserted by the Bill.

Recommendation 14

3.63 Subject to the preceding recommendations, the Committee recommends that the Bill proceed.