

Mr Owen Walsh
Secretary
Legal and Constitutional References Committee
Parliament House
CANBERRA ACT 2600

Dear Mr Walsh

Inquiry into the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004

Thank you for your invitation to the Australian Crime Commission (ACC) to provide a submission to the Inquiry into the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004. The ACC has an interest in this subject matter as, on 4 December 2003, the ACC Board authorised an ACC Special Intelligence Operation in relation to People Trafficking for Sexual Exploitation. It was intended that the ACC would support and complement the AFP and DIMIA through intelligence development, and the use of ACC coercive powers and specialist capabilities.

The ACC has already had the opportunity to provide comment on the Exposure Draft of the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004. The proposed changes are evidently intended to address difficulties that have been experienced in the past in attempts to charge and prosecute those involved in these sorts of criminal activities. This area of criminal activity is particularly challenging for legislators and investigators because of the dynamic and evolving methodologies employed by organised groups and syndicates involved.

The ACC is generally satisfied that the Criminal Code Amendment (Trafficking in Persons Offences) Bill 2004 is a sound response to addressing what is a complex issue. In particular the ACC welcomes the proposed extension of the offence of deceptive recruiting, and the new offence of domestic trafficking in persons. In relation to the new debt bondage offence the following comments are made:

- The definition of "debt bondage" may not capture the exploitative contract arrangements that the ACC's intelligence collection has identified. With reference to the proposed definition it is noted that the reasonable value of the personal services rendered by a contracted prostitute is likely to be applied in liquidation of the debt, and the duration and the nature of the services is likely to be known by the contracted woman. The exploitative feature of this arrangement is in the imposition of the up front contract amount i.e. contracts are generally set at between \$30,000-60,000 or the corresponding number of sexual services, after an outlay of a disproportionately lower amount to get the contracted female into Australia. It is submitted that further consideration of the drafting of this provision is required; and

- Debt bondage should not be considered a minor form of slavery and consideration should be given to a maximum penalty of greater than 12 months imprisonment.

I trust that the above information is of assistance. If you require any further information, please do not hesitate to contact my office or the ACC contact officer, Mr Brian Dargan on (03)8636 7227 or at brian.dargan@crimecommission.gov.au.

Yours sincerely

Alastair Milroy
Chief Executive Officer

18 February 2005

Australian Crime Commission Headquarters

Level 1 (AFP Building), 68 Northbourne Avenue, Canberra ACT 2601

Tel: (02) 6243 6666, Fax: (02) 6243 6679, Internet: www.crimecommission.gov.au

GPO Box 1936, Canberra ACT 2601