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**JOINT STATUTORY COMMITTEE ON THE
AUSTRALIAN CRIME COMMISSION**

Thursday, 23 June 2005

Members: Senator Santoro (*Chair*), Mr Kerr (*Deputy Chair*), Senators Denman, Ferris, Greig and Hutchins and Mr Byrne, Mrs Gash, Mr Richardson and Mr Wood

Members in attendance: Senators Ferris, Greig and Santoro and Mr Kerr and Mr Richardson

Terms of reference for the inquiry:

Roundtable briefing on trafficking in women for sexual servitude.

WITNESSES

BLACKBURN, Ms Joanne, First Assistant Secretary, Criminal Justice Division, Attorney-General's Department 1

COCKSHUTT, Ms Melinda Kathleen, Principal Legal Officer, Attorney-General's Department 1

DANIELS, Ms Yole, Assistant Secretary, Compliance and Analysis Branch, Department of Immigration and Multicultural and Indigenous Affairs 1

KITSON, Mr Kevin John, Director, National Criminal Intelligence, Australian Crime Commission..... 1

McMAHON, Mr Vincent, Executive Coordinator, Border Control and Compliance Division, Department of Immigration and Multicultural and Indigenous Affairs..... 1

MILROY, Mr Alastair Macdonald, Chief Executive Officer, Australian Crime Commission..... 1

NEWMAN, Mr Lionel Maurice, Director, Executive Services, Australian Crime Commission 1

OVINGTON, Ms Kathryn Frances, Senior Legal Officer, International Legal Cooperation Section, International Crime Branch, Attorney-General's Department..... 1

WATTS, Mrs Sharon, Acting Director, Migration Fraud and Investigation, Department of Immigration and Multicultural and Indigenous Affairs 1

Committee met at 9.08 am

BLACKBURN, Ms Joanne, First Assistant Secretary, Criminal Justice Division, Attorney-General's Department

COCKSHUTT, Ms Melinda Kathleen, Principal Legal Officer, Attorney-General's Department

OVINGTON, Ms Kathryn Frances, Senior Legal Officer, International Legal Cooperation Section, International Crime Branch, Attorney-General's Department

KITSON, Mr Kevin John, Director, National Criminal Intelligence, Australian Crime Commission

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WATTS, Mrs Sharon, Acting Director, Migration Fraud and Investigation, Department of Immigration and Multicultural and Indigenous Affairs

CHAIR (Senator Santoro)—Good morning, ladies and gentlemen. I call the committee to order and declare open this public meeting of the Parliamentary Joint Committee on the Australian Crime Commission. On 26 June 2003 the PJC decided to conduct an own-motion inquiry into trafficking of women for sexual servitude. The inquiry sought to examine the ACC's work in establishing the extent of people trafficking in Australia for the purpose of sexual servitude, the ACC's relationship with the relevant state and other Commonwealth agencies, and the adequacy of the current legislative framework. The committee subsequently reported in June 2004. During the course of the inquiry, the committee introduced a national action plan to combat the trade. That included a range of measures, such as the legislative review across all Australian jurisdictions, the creation of an Australian Federal Police transnational sexual exploitation and trafficking team, improved arrangements for cooperation between relevant Commonwealth agencies and a new victim support system.

At the time the committee reported it was too early to assess the effectiveness of these reforms. However, 12 months since the report's release, the completion of the legislative review and the introduction of the [Criminal Code Amendment \(Trafficking in Persons Offences\) Bill 2004](#), which proposes amendments to the Commonwealth Criminal Code, it is timely to reassess the situation. Accordingly, the committee has invited officers of the Australian Crime Commission and others to provide the committee with an update on the progress of the antitrafficking measures.

I welcome officers from the Australian Crime Commission, the Attorney-General's Department and the Department of Immigration and Multicultural and Indigenous Affairs. The committee prefers all evidence to be given in public, but should you at any time wish to give your evidence, part of your evidence or answers to specific questions in camera, you may make application to do so and the committee will give consideration to your application. However, you should be aware that evidence taken in camera may subsequently be made public by an order of the parliament or this committee. Finally, as you are Public Servants, you are not required to give opinions on matters of policy and will be given reasonable opportunity to refer such questions to superior officers or the minister.

I particularly acknowledge the presence here today of Senator Brian Greig. Senator Greig, I think it is fair to say, was one of the main instigators of the original inquiry. I particularly wish to acknowledge him today because this will be the last time that he will appear formally with this committee or at a public hearing in his capacity as senator. So I would like to place that acknowledgment on the record, Senator Greig.

Senator GREIG—Thank you, Chair.

CHAIR—I intend that today's proceedings take the form of a reasonably free-flowing discussion between committee members and witnesses. However, to begin with, I invite each of the witnesses to make some opening remarks about the committee's updating of the ACC's response to trafficking in women for sexual servitude. After opening statements, I will open proceedings to discussions and questions from my colleagues and me. Are there any opening statements that anyone wishes to tender to the committee?

Mr Milroy—For the committee's assistance, on my left is Ms Raelene Sharp, who is a legal officer of the Australian Crime Commission. Ms Sharp has been one of the examining lawyers during the course of hearings conducted in relation to the inquiries. Since I last appeared before the parliamentary joint committee on this subject at the February 2004 hearing in Canberra, the ACC has made further progress in supporting the activities of the lead agencies investigating people trafficking for sexual servitude in Australia. Through a special intelligence operation that was authorised by the board in December 2003, the ACC has used its coercive powers to assist its partner law enforcement agencies with their investigations and enhanced their knowledge of this area of criminality.

Since then, the ACC has undertaken extensive intelligence collection activities focused on filling identified intelligence gaps in law enforcement's understanding of people trafficking for sexual servitude, and this has involved the ACC summoning 107 people to 93 coercive examinations. These examinations have been conducted in Sydney, Melbourne, Adelaide, Perth, Brisbane and Kalgoorlie. Examination witnesses included brothel and karaoke bar operators and employees, known and suspected victims of people trafficking in sexual servitude, suspect migration agents and associated persons.

Intelligence and information collected by the ACC through these processes and use of its powers support preliminary findings, which include in order of probably numerical significance, the three predominant source countries for women allegedly trafficked into Australia—South Korea, Thailand and the Peoples Republic of China—with the most concerning cases involving women from Thailand. It is important that we point out that, in using the word 'trafficked', the

ACC is not making a criminal finding. Current ACC intelligence indicates that organised groups involved in crimes such as drug trafficking, credit card and identity fraud activities may also be involved in people trafficking for sexual servitude.

The previously reported prevalence of women from Thailand working in the Australian sex industry is now reported to be falling. There has been a reported increase of South Korean sex workers in Australia. This may be contributing to the reduction in the number of Thai sex workers. Sydney remains the most significant entry point for trafficked women, and New South Wales and Victoria remain the states where most trafficked women and associated crime groups operate.

The methodology of traffickers and organisers has evolved to minimise the appearance of coercion or physical control over trafficked women. Women who have been trafficked into Australia often do not perceive themselves as victims. Many view the prospect of being trafficked as an opportunity to address their indebtedness or earn money to improve their and their families' lives.

Intelligence has been disseminated to relevant agencies and the ACC has also pursued consequential matters relating to money laundering and tax fraud arising from this operation under its Midas special investigation. Other key findings are included in the ACC's submission which we provided to your committee yesterday afternoon. The ACC's intelligence operation will continue to affect the criminal environment through law and administrative reform initiatives and the benefits from cooperation with the wider law enforcement community. I am quite happy to answer questions.

I can also advise that coercive hearings are continuing. We have hearings currently running in Queensland and further hearings to be held in Canberra and in the Northern Territory. The ACC will be providing a status report on the findings of our ongoing intelligence collection work to the Australian Crime Commission board on 27 July. We are anticipating that we will continue to carry out coercive hearings to complement the work of our partner agencies, the AFP and DIMIA, through until the end of September at this stage.

CHAIR—Are there any other opening statements?

Ms Blackburn—I have a short statement to update the committee on a number of matters. As you mentioned in your opening statement, since the committee released its report the [Criminal Code Amendment \(Trafficking in Persons Offences\) Bill 2005](#) was passed by the parliament. That was completed on Tuesday, I believe. The passage of that act completes the legislative review process which the department had started when we last appeared before this committee. We consider that the act addresses a number of the concerns which had been raised in the committee's 2004 report. Specifically, recommendations 4, 5 and 6 of your report have been addressed in the passage of that act.

The passage of that act will also enable Australia to ratify the UN protocol to prevent, suppress and punish trafficking in persons, especially women and children. The Joint Standing Committee on Treaties had previously considered that protocol and recommended its ratification. With the passage of the act, Australia will now be able to do that. I should also note that in respect of recommendation 9 of your report—and my colleagues from DIMIA will be able to

expand upon the arrangements that have been made—arrangements have been made for travel for short periods into and out of Australia. That has been done; that has been facilitated. There are legislative changes under consideration to refine that process.

In addition to the new laws, the Attorney-General's Department has been coordinating a community awareness strategy as part of the package. That strategy comprises four stages. Stage 1 is almost completed. We have completed extensive consultation with stakeholders to determine the focus of the strategy, to identify target audiences and to develop the key messages. We will shortly be moving to tender for an agency to undertake the design, marketing and publication of the outcomes of that strategy. The strategy is moving a little more slowly than we would have liked. A variety of issues impact on that but primarily it is a complex message and one that requires considerable input on and testing of. Also, as members of this committee would be aware, there are a considerable range of processes which must be gone through for government communication strategies.

In the area of our regional people-trafficking prevention activities, AusAID's ARCPPT is strengthening regional cooperation and legal policy frameworks through identified ASEAN and China national points of contact and is building on regional and national capacity. While that program has been focused on Burma, Cambodia, Laos and Thailand, it has recently been extending some activities into Indonesia, where it is working in collaboration with the International Organisation for Migration.

The committee also had in its report some recommendations about the coordination of the strategy. The Attorney-General's Department continues to coordinate the government's response. We do that primarily through both formal interdepartmental committee meetings and informal liaison with our partner agencies. We have continued to coordinate the whole-of-government responses to media inquiries and committee inquiries, such as this one and the Senate Legal and Constitutional Committee inquiry into the recent legislation.

Finally, I should note that the government is finalising its response to the PJC report. The development of that response has required significant consultation. The process was interrupted by the federal election and the associated caretaker period. We understand that the government will be tabling its response in the near future.

Mr McMahan—I have no opening statement, but it might be useful if I table the data that we have given you previously on our referrals around sex trafficking and other trafficking issues.

CHAIR—Thank you. If there are no other opening statements, I will kick off the questioning. This question is addressed to all officers here, or one representative officer from each entity. It seems to me that, regardless of how much legislation or how many laws we enact here at a national level, unless we have cooperation from the places where much of the trade originates, we will not be as effective as we would otherwise be. What is your sense of the level of cooperation and commitment from Burma and Thailand, the countries that you have just mentioned, and other countries in assisting the Australian government in its endeavour to stamp out this insidious trade in humans?

Ms Blackburn—Perhaps I might make a couple of general comments, after which I think my colleagues from Immigration will have some comments to make too. The primary forward

engagement activity is conducted by the Australian Federal Police. They are not here today, so I cannot really comment on what their particular activities are. However, from the international engagement that we have primarily through the Bali people-smuggling and people-trafficking processes, my impression is that there remains a quite strong commitment—certainly at the level of officials—in the various countries to continuing to work towards structures and processes that will deal with source country issues as well as destination country issues.

Ms Ovington and I will be attending another workshop, which is being run under the auspices of that Bali ministerial process, next week in Tokyo. That has been organised by Japan and Australia. Over 60 countries and organisations will be represented at the meeting. The focus of the meeting will be on how national responses, including national action plans, are coordinated. I will make a keynote presentation on the way that Australia has attempted to coordinate a package that involves the engagement of quite a number of agencies coming from different perspectives with different contributions to make.

CHAIR—As a committee, we would be interested in receiving a copy of that paper.

Ms Blackburn—I am happy to provide that to the committee next week. Certainly, our AusAID colleagues' programs are continuing and they have expressed the view that they have had significant engagement and continued commitment to them. I cannot really go beyond those general impressions.

CHAIR—Your general impression is that we are receiving good cooperation?

Ms Blackburn—Certainly our AFP colleagues indicate that they continue to have very good engagement through their locally engaged law enforcement officers.

Mr McMahon—I would like to make a couple of comments about that. Quite clearly, when you look at sex trafficking in particular in Australia, which dominates the referrals that we have, Thailand is of major interest. Looking at the total number of referrals we have made to the AFP since 1999, 87 of the 159 people involved have been Thai. The bridging visa Fs that we have issued—I saw a number here somewhere—have been dominated by Thais.

Mrs Watts—It is 36 of 42.

Mr McMahon—Yes, 36 of the 42 have been from Thailand, so it is quite clear from our point of view that we need to focus pretty heavily on Thailand. Consequently, the first compliance officer posted overseas whose sole role is to deal with trafficking matters was located there. The level of cooperation that we have received from the Thai authorities has been exceptional. Essentially, very high-level meetings take place regularly; I cannot guarantee that they take place once a month but, broadly speaking, I think that is how regularly they are held.

We have also had cooperation not only in trying to address the issues there but also around return issues. We have been dealing with a number of authorities, including those with more of a social welfare function. With the AFP, interviews of people on their return are conducted, provided they are willing to be interviewed, for us to gain a little more intelligence about what is happening and, in conjunction with AusAID, how assistance can be targeted et cetera. I think the Thai model is particularly successful.

CHAIR—Mr Milroy, would you like to add anything?

Mr Milroy—No. At this stage, of course, we rely very heavily on our relationship with DIMIA, the AFP and the Attorney-General's Department—in collecting this information to assist us with what we are doing.

Mr KERR—Since we spoke last, are you aware of how many criminal stay visas have been issued?

Ms Daniels—Since January 2004, when the new arrangements came into effect, 28 criminal justice stay visas have been issued as a consequence of advice from our colleagues and, of those, 24 are currently in effect. A number were issued before the new arrangements came into effect and, between 1999 and 2003, another 11 stay visas were issued. In total, there were 39.

Mr McMahan—Just to put that in context, 42 bridging visa Fs have been issued. That is the first stage. Essentially, that is the point at which there would be consideration by the AFP. They have had a referral, they think it is serious, they have gone through the preliminary stage of thinking about the person and have asked for a bridging visa F to provide more time for them to consider whether or not they will then move on to the next stage.

Mr KERR—With respect to the visas that have been issued, have the difficulties that we encountered last time been largely overcome? I think you refer to the fact that people now are permitted to travel. One of the issues that arose in the past was funerals and deaths and what have you.

Mr McMahan—When the issue was first raised with us, I think the committee had one or two examples. I undertook to try to follow those through and, in the end, could not determine what particular cases they were. But we were quite determined that the visas themselves would not stand in the way of a sensible solution. We had to look very closely, under the existing bridging visa regime, at how we could construct something that would allow someone to leave and be returned in a way that would not compromise the level of support they were being given.

In many respects, the solutions we found were slightly artificial but nonetheless lawful and, I think, appropriate in the circumstances. We were able to successfully facilitate the travel, although it is not ideal and we have been looking at what sort of regulatory amendments we could make that would make it easier for that process to take place. It has been a little complex because, in looking at the regulations, it has been unclear whether it requires a change in the act. We have had some advice on that and the view has changed from time to time, but I think we are getting relatively close to being able to put something to the minister about how we might resolve this position. In many respects, I think the problem is solved; we have found a way of doing it.

Mr KERR—I think you mentioned that there had been some delay in publicising the community education package that was intended. How far has that got and are people in the sex industry largely aware of it yet?

Ms Blackburn—There would certainly be some awareness amongst the stakeholders that we are consulting that there is a proposal to bring out an awareness strategy, but it was always

intended to be a targeted awareness strategy. We have a two-stage process but stage 1 has three phases and I have to confess that when I was following this up I was getting a bit lost in processes. However, stage 1 had three phases. The first one reviewed the community awareness strategies in other countries so that you had a good understanding of what other people had tried and the impact of that. In the second phase we did a scoping consultation with a wide range of the stakeholders from the NGO sector as well as the government sector, again, to try and get clear views on the opinions and the ideas and the expectations for an effective strategy. The third phase, which is currently underway, deals with in-depth issues with the people who are most involved with the issue of trafficking. Again, that is with both the government and non-government sectors, to clarify and clearly define the target audiences and to define the different messages that you would need for those different target audiences.

Once the final series of interviews has been completed we will then go to tender to develop the product to put those messages out. In between those two stages we have to go through the Ministerial Committee for Government Communications and the Government Communications Unit for the various clearance processes for a government campaign. This is not a huge government campaign. The total funding for it is \$400,000 over the four-year period. We are primarily looking at a targeted campaign which is print and poster based, with leaflets and articles, particularly in the ethnic media and, hopefully, some work also with ethnic electronic media. So that is the range of products that we are looking to have come out of it. It has taken longer than one would have hoped. There is no explanation beyond fact that it is a process, and it has taken more time than we had expected.

The reality is that it fits into the other priorities also of the staff that are responsible for this work. I would not like you to take that as me saying that this is a lower priority. It is simply one of the pieces of work that a group of staff are working on, so it has to fit into some other activities as well. But we are working towards having the products available for distribution in the 2006-07 financial year, so we are looking at the product being available and we will be running the awareness strategy for approximately nine to 12 months over the 2006-07 financial year.

Mr KERR—It is a fairly long—

Ms Blackburn—Yes, it is.

Mr KERR—I accept that you do not want to say that it has had a lesser priority than other things, but manifestly it has, otherwise it would have happened notwithstanding the small budget.

Ms Blackburn—When you are going through, first of all, what is essentially a review, then you are going through a consultation process and then you are going through an interview process where you are working with a fairly defined group of people, it does take time. One of the things that is coming back to us from the consultants, which is a Melbourne firm of consultants called Open Mind, is that it is quite difficult to get appointments with the people that you need to talk to. Given the kind of industry that they are involved in and the work they are in, it is difficult to line up the appointments and then quite often it is difficult to get them to keep the appointments. So some of the delays have just been caused by the nature of the people that you are trying to get information from—they do not work nine to five. That has certainly been an

issue for the progress that the consultants have made in doing the work that they have been contracted to do.

Mr RICHARDSON—My question is directed to the Attorney-General's Department and covers a bit of what Mr Kerr asked in his first question. How many, if any, successful sexual servitude prosecutions have their been since the government announced its package of reforms in 2003?

Ms Blackburn—There have been two cases which were being conducted by the Commonwealth Director of Public Prosecutions, one in Sydney and one in Melbourne. As the committee may be aware, outcomes have been reached at the initial stages in both of those trials. In the Sydney trial the jury failed to reach a verdict against the primary person who was accused, and the two co-accused, on 10 sexual servitude charges. In Melbourne one defendant was acquitted of eight out of 10 sexual servitude charges and the jury failed to reach a verdict on the remaining two charges. The jury also failed to reach a verdict on the charges against the co-accused in that case. The Commonwealth DPP is presently considering whether it will take action to seek a retrial of those charges on which there was no verdict reached by the jury.

Mr RICHARDSON—Are there any other pending matters that look like they are going to go through soon? Are we doing something wrong in our evidentiary process to not get convictions?

Ms Blackburn—There is one further trial that was expected to start—

Ms Cockshutt—Last Monday. But it looks like it will probably start this coming Monday.

Ms Blackburn—And that is a matter in Sydney. There are a number in the pipeline which have not yet commenced. The question you asked is clearly what we asked when the verdict came down in both of those cases within a day of each other—26 May in Sydney and 27 May in Melbourne. We sought from the Commonwealth DPP their assessment of the issues that might have contributed to the verdicts reached in both those cases. The advice we had from both the DPP and the AFP is that the DPP is very comfortable with the quality of the brief they received and the investigation undertaken. They had no concerns about the material, indeed the material was accepted by the court as a sufficient basis for committal, despite challenges at the committal stage. Similarly, I am certainly quite comfortable with the way the DPP has resourced and run cases. There is nothing evident in the way that they have done that to suggest that the DPP has not taken an entirely appropriate approach. We also asked the DPP whether the issue related to the legislation, the instruction of the offences that they were being prosecuted under—obviously that was under the 1999 offences. Again, the DPP has expressed the view that the laws themselves were not an issue.

In the end, the conclusion we are all drawn to is that these were jury trials and one does not know what goes on in the minds of juries. I think you can draw the conclusion that you potentially have juries that either do not perceive the victims of these crimes as victims or do not perceive the crime as one that is worthy of punishment in the particular circumstances of these cases. Obviously we will look to see what the outcomes are from the other three cases and also, as I said, the DPP is still considering whether it will seek a retrial in these cases. We asked exactly that question; this is not what we were expecting from these cases. We were obviously

very hopeful that they would demonstrate that there was good investigation, good prosecution and good laws.

That is the conclusion we are left with. I think it raises a question about the extent of general community understanding of the criminality of this alleged conduct and of its seriousness; but that is a comment that you can make about a number of other areas of criminal conduct. We often see jury verdicts come in on cases where you do not understand why the jury has not appreciated the seriousness of the conduct or the fact that it is deserving of punishment. For us, in our community awareness package—which is very targeted and intended to look at both the victims and other people working in the industry—it raises the question of whether we ought to be undertaking a broader exposure of the nature of this activity and its impact both on the Australian community and on the victims.

Mr KERR—Maybe one thing to consider is possibly having a number of lesser charges that can be proceeded with summarily. I still actually value juries very much, and for those constitutional reasons Lord Devlin gave: that they can bring in perverse—

Ms Blackburn—Indeed!

Mr KERR—verdicts, which are not open, ordinarily, on the evidence. And they do so because they think ‘Why are you prosecuting in these circumstances?’ So they are a check on our, very legitimate, legislative role. They are a citizen filter—

CHAIR—Safety net.

Mr KERR—a safety net, yes. We can construct summary offences. I would hate to see us use summary offences in default for juries in matters of high importance; I would never think that that was justifiable. But if we were willing to substantially reduce the penalties—to deal with the matter summarily, a magistrate would not be infected by that, I suppose, sense of ‘What are you doing with this?’ They would follow the law and apply it.

Ms Blackburn—I agree with you. We value juries; we just occasionally do not understand what they are doing!

Mr KERR—We often understand only too well what they are doing: they are saying, you got it wrong! But I do not think in this instance we have got it wrong. It is a matter of getting the balance right.

Ms Blackburn—I think the issue you raise is an interesting one. We wrestle with it every time we are constructing offences. Because to construct the offence with a lesser penalty, able to be dealt with summarily, is sometimes interpreted as ‘You do not regard this as serious criminal conduct.’ Equally, we are now seeing the other side: you construct it with serious penalties and potentially get that outcome. My understanding is that in the new legislation we have constructed a broader range of offences that will enable us to take some alternative approaches. I think the language of ‘sexual servitude’ and ‘slavery’ does communicate a very high level of criminality, which needs to be shown. But, particularly with some of the deceptive recruiting and debt bondage offences which are now in the new act, perhaps that will give us a broader canvas from which to draw the charges that are laid against people who are suspected of having been

involved in this activity. I am not sure if you wanted to go into more detail on those offences—I assume that you have been through that process.

Mr KERR—No, I am aware of the legislation that was passed. I also certainly have to be very cautious in how I express myself, because the last thing I would wish to do is to be seen as providing cover for any move away from having jury trials as the only way in which the Commonwealth deals with the more serious of offences. But deceptive recruiting and the like are the sorts of things on which I think people of good will could honestly differ as to whether or not you could make it a summary offence or an indictable offence. The higher levels of the offences plainly should remain jury offences and we have to live with the consequence of jury judgments in those areas.

Mr RICHARDSON—Thank you, Joanne; I think that the DPP and the AG's office are well across all those issues. I have only just one other—

CHAIR—Kym, I want to follow up on that answer. It is interesting how we are reflecting on the role of juries here today, as is the case in many other parts of the world, including one very recent infamous trial. How strong was the defence in those two cases that the prosecution did not get up? I ask that particularly in the context of trying to get a view from you or anybody else appearing before us today. How strong was the defence and was it well funded? Was there any inkling of connection between the people appearing and more elaborate criminal networks or organised crime? Again I refer to that famous trial that I just alluded to where there was a very strong defence. It was well funded. Just about the top lawyers in the country were employed to prosecute the defence. That often indicates that there is—

Mr KERR—I would like to hear the answer, but can I move that the response be in camera. If this matter is subject to a potential retrial, the last thing I would like us to do is to be responsible for publicity.

Ms Blackburn—I agree it ought to be in camera, but I am not the appropriate person to answer that question. These questions would need to be directed to the Commonwealth Director of Public Prosecutions. I was just looking at the briefing I have, which is classified as a casework-in-confidence brief, and there is no information here so that I could go down that conversation with you. I am sorry. I could either take that question on notice and we could ask our DPP colleagues—

Mr KERR—Could we take it on notice but receive it in confidence?

CHAIR—I would be happy with that. Absolutely.

Ms Blackburn—I would be happy to take that on notice. We will ask the DPP to assist us with a response to you and provide it as an in confidence answer to the committee.

CHAIR—Thank you for your guidance there, Mr Richardson.

Mr RICHARDSON—The previous committee—I am new to this committee—made a recommendation that an interdepartmental committee be formed. That included the suggestion

that a chair be appointed and a charter be implemented. Was that done? If not, how did the IDC operate?

Ms Blackburn—As I mentioned in my opening statement, the government has not yet tabled its response to the committee's recommendations, including that recommendation. At a personal level, having convened the IDC and chaired it through its extensive history, I was not very impressed with that recommendation at all. However, in the absence of a government response to that recommendation, we have continued to convene the IDC, I have continued to chair that IDC and we continue to have strong representation at senior executive service level from all agencies represented in that committee. I think that our track record, certainly over the last 12 months, has been that we have had effective coordination across all of the agencies as the issues have variously arisen in this debate, whether they be from the perspective of law enforcement, prosecution, legislation or immigration involvement.

Senator GREIG—I apologise for stepping out earlier; I had some chamber work to do. As a consequence, I have not heard the questions before me. In terms of the prosecution not, thus far, being successful before a jury, what are the arguments coming forward from the defence?

Ms Blackburn—I would have to take that question on notice for the DPP. The DPP was responsible for these prosecutions and, as you know, DPP is a separate agency not subject to direction from the minister or other government agencies. As I was just mentioning, the briefing that I have on those cases does not go into that level of detail. I am unable to help you. I am, however, happy to take that question on notice.

Senator GREIG—Thank you. I have talked a bit publicly and in the Senate about the concerns I have that there are women who are not being provided with care and support because they are deemed not to have sufficient evidence to fully lead to a prosecution. Do you feel that might be a factor—that those women may not feel confident to fully come forward with information—in a weakening of some cases that we present to the courts, on the basis of evidence?

Ms Blackburn—The support package that is available was specifically designed to provide the environment that we considered would be conducive to enabling the women to come forward and engage in conversation with the investigating officers of the AFP to determine whether or not their information was leading to suspected cases of trafficking. Once the AFP has determined to proceed with an investigation which needs those witnesses, the provisions that come into play provide full support for those people. In my view the package is constructed in such a way that if there is a person willing and able to assist law enforcement there is a full support package available to them. Someone may come forward and provide information but the law enforcement agencies may conclude the information is not usable or does not lead to the AFP taking forward an investigation with a possible prosecution. In that case government policy is very clearly that the support package is not available on a continuing basis to people who are no longer assisting law enforcement.

Senator GREIG—Isn't there a danger though that those women who, for whatever reason, are unable or unwilling to provide information to our authorities and agencies, or whose information is deemed not to be strong enough to lead to a successful prosecution, are deported? I see that as a weakness in our legislation. Do you feel, in terms of the work that you do, that in

the long term that dynamic may be hindering the processes we are hoping to go through to lead to convictions?

Ms Blackburn—I would like to ask my colleagues from DIMIA to comment on the process that comes into play when the decision is taken that the witness is no longer participating in law enforcement investigation.

Mr McMahon—The construction of the package was quite deliberate in the minds of the government. Like in all packages, in trying to address the issue it was a question of balance and looking at the totality of the package. There was a very strong emphasis on attempting to present something that provided a level of protection for those who participate in it and that was going to get the best results out of the legal system. It came from a strong view that the people facilitating the trade needed to be dealt with under the law and that was very hard unless you get the cooperation of witnesses. We are taking other measures in the immigration arena to deal with some of the people involved in this trade through the Migration Agent Task Force et cetera. The package certainly had an emphasis on cooperation with an investigation or prosecution. We recognised that as long as the person participated in the process they were potentially able to go on to the next stage of a visa process. At the same time, we did not want a situation where people could simply assert that they had been trafficked and thus provide a basis for remaining in Australia. The government looked at it in terms of supporting people while they were in Australia, but we also looked at the broad ways in which people could be assisted in their return to their home country. The issue of whether people who had participated in an investigation or prosecution had a real fear of return—it is not expressed in those terms but that is the concept—was built into the process.

Mr KERR—We want to know how that is dealt with.

Mr McMahon—If a person has cooperated with an investigation—and that requires some verification from the AFP—and they believe that they are in some danger if they are returned—not exclusively related to the danger arising from the prosecution—and there is substance to that, then they can progress to a temporary protection visa. That can lead on, if that danger is sustained, to permanent residence in Australia. As yet, no-one has got to that mark, although a couple of people have been considered as to whether or not they meet that criteria.

The hard point of all this is that there will be a range of people, some of whom may claim to have been trafficked. Sometimes those assertions are not true and sometimes the circumstances are quite complicated—for example, there have been some people who have been involved in trafficking themselves who have also been trafficked or people who have been involved in trafficking and say that they have been trafficked themselves. In the end, if they are not eligible for any of the visas, then you have to look at whether or not they are lawful in Australia. Some of the people involved have otherwise been lawful in Australia and sometimes they have formed relationships within that period of time and they do have a basis for stay. But if, in the end, they have no basis for applying for any visa or choose not to apply for any visa then they will return.

One of the big problems that we were facing before this package came in was the difficulty—and I think this still remains a problem—of trying to get people to participate in a prosecution in the first place. Although it was characterised frequently that we had just deported some more witnesses, in many cases the people had simply left. We had developed some alternative

compliance strategies because it was quite clear from our experience that some people who may have been trafficked and some people who in our casual view—not the legally tested view—had been trafficked had obviously been coached in the way in which they were meant to respond. They would be brought in—obviously, one of the bridging visas that we issue is where a person has made arrangements for departure—and, within seconds of them being brought in, they would have an organiser of some description turning up with tickets for their departure, which is very convenient for the people involved but not necessarily that convenient for the person. We would let them go or take them to the airport and remove them.

In terms of developing our approach, we try to work out techniques when we go into brothels and other areas to identify whether a person might be trafficked by asking a series of questions which in themselves seem relatively meaningless as well as cueing people on looking for the obvious things like door handles on one side only of rooms and all the rest. A lot of the questions go to issues of freedom and movement. It could be a simple question of: where do you do your shopping? It is quite telling. We have many similar questions to try to build up a profile about a person's capacity to move. It is on that basis that we now do the referrals.

Trying to get the AFP involved up front is a very important part of this process, and we have very close relationships with the AFP. I think that the mistake we made prior to the arrangements is that we, in many cases, sought to investigate the cases ourselves before we referred them to the AFP. Now we simply change the threshold. If there are any signs of trafficking, irrespective of whether or not overall you hold a view that the person may be trafficked, it must be referred to the AFP, and that is why the number of referrals skyrocketed.

Mr KERR—You have identified a very complex picture. If you go to what Mr Milroy said in his written report, rather than most people making claims of being trafficked, many of the persons who are the subject of your coercive powers have rejected that proposition and have not seen themselves as trafficked, even though technically, within the law, they may be trafficked. So it is an extraordinarily complex area. One of the reasons this committee made a recommendation about bringing together a body with direct responsibility was to ensure someone had ownership of the overall strategic way in which this is being addressed; to take blame and to get to praise, I suppose, if things go right, but to be responsible. We do not seem to have reached that point.

What I am troubled with is that while everybody at this stage seems to be doing their task with extraordinarily goodwill—I do not think there is any sense coming back that that is not the case; some things have gone much more slowly than we would wish, other things are more complex than we anticipated, but everybody seems to be approaching it with goodwill—the fact is that we are not going to be sitting here in an oversight way every six months or every year or what have you to make sure that the thing goes well. Who is going to take overall accountability, management, audit and supervision of this, given all these overlapping departmental agencies, social policy consequences, income support issues, immigration issues, policing issues and the like? If we cannot be satisfied that there is going to be such a body or person identified, how can we be satisfied that in an ongoing way this task will be ably discharged? I suppose I toss this question to everybody, because that seems to be at the core of our last set of recommendations which were not responded to.

Ms Blackburn—I will make some initial comments on that and then my colleagues may wish to comment. I guess to answer your question of who will be doing it, the Attorney-General's

Department has had the lead on the coordination of this. We are not actually responsible for delivering large parts of the operational response to this activity. We are responsible for the legislation. We are responsible for the awareness strategy. I am having this conversation in the absence obviously of government having responded to that. The government has not responded. The reality is, at this point in time, that we are still operating under the structures that were set up in 2003. In the absence of the government's response to that recommendation, we would continue to convene this IDC as and when a need arose to do so. If there was something in the press, if there was something coming through from our law enforcement colleagues or from the ACC that something was changing in the environment, then we would bring the IDC together to ensure we were all aware of that information and to consider whether we needed to put any change to the current strategy to either individual ministers or to the government as a whole.

I would also suspect that, even in the absence of anything particularly coming to light, we would look to reconvene the IDC and I suspect we would probably reconvene that twice a year. That would probably be tied to the estimates committee processes so that we were able to ensure that, as a group, we understood where the issues were up to and understood the likely areas that people may be questioning where the package is. So other processes, I think, will quite ordinarily drive us to do this.

I should say, though, that while the way in which this package has been coordinated has had some new elements, I think it is actually a very positive evolution of ways of doing whole-of-government activities. You would be aware that Dr Shergold has done recent speeches and a publication has recently come out from the Public Service Commission talking about the concept of whole-of-government activities. I think most of us who have participated in this process have seen this as a bit groundbreaking in that it took forward some of the issues that in the past have perhaps not been well handled in IDCs by constructing a process that clearly had a common goal, which then enabled us to work as a team. What you see here are agencies which are working together towards a common goal. Some of the things that I will obviously be presenting at the workshop in Tokyo next week are the setting of a common goal, enabling people to understand from their perspective what the common goal is and to then work within their own agencies, asking, 'What are the things I have to do within my agency to make the contribution to that common goal?' I would see that process continuing as effectively as it has to date.

The ACC in particular has made an excellent contribution over its life to putting out information into the government policy community when they see changes in patterns of behaviour or new things coming through. This is obviously not just in people trafficking; they do it across a range of areas. Getting that information from the ACC is an excellent alert system for policy-makers. It often leads us to say: 'What is the significance of what you have said? Does it require us to reconsider the current government policy response and potentially modify that response at either an operational level or a more conceptual level?'

Mr KERR—It is difficult when you have these overlapping jurisdictions. The Auditor-General does performance audits of departments and what have you. Can the Auditor-General do performance audits on a program area like this which has a number of different agencies and departments that are responsible in a joint way?

Ms Blackburn—Yes, it can.

Mr KERR—Maybe that is part of the solution. We have made a recommendation about coordination that may or may not be picked up. Maybe another approach, either as an alternative or supplementary to that, would be to ask the Auditor-General to have a rotating performance audit, perhaps on a three-yearly or two-yearly basis or something, just to make sure that everybody does focus their minds on the effectiveness of those interagency arrangements. This committee is not going to do it on a routine basis. Estimates committees are largely vagaries of the political climate of the time; they could do it or they may not, depending on those circumstances. I just wonder whether that might be a partial solution to this issue.

Ms Blackburn—As a public servant subjected to audits by the ANAO, I would never volunteer for one. If that becomes a recommendation of this committee then the government may or may not accept that, but I could not possibly sit here and say that I would really welcome that. But, in that context, I think there is some comfort to be drawn from the very strong focus of the current government on ways to do whole-of-government responses more effectively than they may have been done in past times.

Mr Milroy—Picking up on what Joanne indicated about the work that has been done collectively by the various jurisdictions over the last 12 months, there has been a very good working relationship. You can see from some of the results that are coming out of our hearings and also from how we have been able to complement the work of the other agencies.

As we progress through to the end of September—gathering more intelligence, conducting more hearings, consulting further with the IDC committee—we will then make a submission to the board. The board are now realising that, when we put a submission forward, there are matters for consideration by the board which are clearly outside the responsibility of the ACC. They go into the wider area of not only government issues but also community issues. The board are moving these things through as they did with firearms and as they are currently doing with amphetamines and synthetic drugs. So when we put our submission to the board at the end of September outlining matters for them to consider based on the work we have been collectively doing, they will have things that are clearly outside the responsibility of the board. The board has a responsibility to refer it either up through the IGC or to other areas of government for appropriate action.

There is an opportunity to address some of the matters you have raised as to where this is going to end up and is there going to be some sort of coordinated process put in place to deal with this in the future. Of course the AFP will continue with their work, but whether we will continue to gather intelligence after September is really a matter for the board. The board probably have the opportunity, as they have been doing, to push some of these things through that we have been uncovering. As Joanne pointed out, it goes into the wider policy government arena for further progress. We could pick up these issues that the committee has raised.

Mr KERR—I want to clarify a question about immigration and these visas. The circumstance that Senator Greig raised is where somebody has provided assistance to law enforcement, but they are not required because the DPP has made a decision not to proceed with the prosecution or the defendant leaves the jurisdiction or dies but the person still feels apprehensive that harm might come to them. What is the kind of protection that could be offered? I think you said you could use it as a protected witness—

Mr McMahon—It is a witness sex-trafficking protection visa.

Mr KERR—The protection that you offer does not expire when the utility to the prosecution expires. That this was one of our concerns. On the one hand these people are being used in a very sensible way—being used as witnesses in the prosecution, and protected—but on the other hand, for reasons outside their control, they can cease to be of value to the prosecution. There is a concern that they would be shifted out of the jurisdiction and the technical capacity to protect them is not in the visa.

Mr McMahon—There are two issues to the way the visa operates. The first issue is that it is someone who has assisted an investigation or a prosecution—obviously there are some tests, and I will not go through those again—and the second issue is that there is danger if they return. The fact that the prosecution itself may have rolled over would not remove their eligibility for the visa. The continuing test, if you are rolling through the different stages of the visa from temporary to permanent, is whether that danger persisted. We have not actually got to one yet, but that would be the test. It may well be that the prosecution was a complete failure or whatever, but it does have that initial benchmark to get through. First of all, you have to have a criminal justice stay certificate, which would suggest there is something real to be investigated, and then you need assistance. One of the concerns was that people could put themselves in a position where they had real information but were not prepared to provide that information, so there is definitely an incentive system built into this process to cooperate with the prosecution or an investigation. But going to the core of your question: once the person is in that chain, the issue of continuing danger is the paramount issue from that point on.

Ms Blackburn—In constructing that process as part of our IDC deliberations, the DPP was consistently concerned that we not construct a process that would then invalidate any evidence from those witnesses as essentially having been bought for the prosecution. The package that was constructed had to be constructed in light of that. We had to end up with witnesses who were credible witnesses and not purchased witnesses. The DPP took up many, many hours in many IDC meetings worrying about whether we would end up with witnesses who would retain their credibility.

Going back to your earlier question about review—and I am sorry I do not have all the details here with me—Monash University's Bernadette McSherry has put forward a proposal to the Australian Research Council for funding for a project to evaluate responses to people-trafficking both in Australia and in other countries. On request the Attorney-General's Department has made a small financial contribution to that work in recognition of the fact that that project would perform quite a useful policy review function for us. When we last checked, the ARC had not yet approved the project, but we have provided our funding.

Mr KERR—One of the useful things I saw from the submission of the ACC is I think the inference coming through that there must be some recognition from those who would be trafficking people that this is not as congenial an environment as it was to do it in. There are not an increasing number of persons involved.

Mr Milroy—No.

Mr KERR—In fact, I think the suggestion is it is decreasing.

Mr Milroy—That is correct.

Mr KERR—Whether or not the message is getting out to those who might be victims, it may be getting out to those who might be exploiters. Given a range of different ways of making criminal money, it may be that they are moving away from this area, which is a good thing.

Mr Milroy—In the last 12 to 18 months there has been the attention by the AFP, the work that DIMIA has been doing and of course the coercive hearings. You are bringing in brothel owners and others associated, so the pressure is on.

Mr KERR—And the message gets out, I am sure.

Mr Milroy—The message gets out and of course then they change their methods of operation. Others might feel there is no money to be made in it and too much pressure and move to something else. The work is still uncompleted at this stage, but you are quite right on that point.

CHAIR—Mr Milroy, I want to go back to a question you have touched on in some of your answers; that is, the connection between sexual servitude and criminal activity. Do you have a view on that? From your own investigations and gathering of intelligence have you managed to ascertain whether or not there is in fact a connection? If so, is it a strong one and what type of organised crime is involved?

Mr Milroy—I might ask Raelene to comment, because she has been involved in the cases, and Kevin to round that off with a more global view in relation to the intelligence that has been assisting.

Ms Sharp—We have seen some links with some organised crime groups. We would not say that organised crime groups were influential in people-trafficking activities. There have been links with groups who have also been involved with identity fraud and credit card fraud, and some links with groups involved in drug trafficking. But I would not say that the links were strong in the sense that there was some influential aspect coming across from the organised crime groups into the people-trafficking activities.

Mr Kitson—I think we would see that those groups or networks who are involved in people trafficking engage in other activities rather than it being, if you like, conventional or traditional organised crime groups already operating in Australia seeking to use women or other people as commodities, though that potential remains, obviously.

CHAIR—So it is just another part of their range of activities?

Mr Kitson—People are a commodity to organised criminals. The profit is the primary motive and unfortunately these people simply are another commodity for criminals.

CHAIR—The principals would be mainly people of ethnic origin?

Mr Kitson—In terms of the evidence and material that we have seen, yes.

Mr RICHARDSON—It would be a shame for Mr Newman not to share something this morning, having got up nice and early—I know it is his field. I think the ACC were going to focus their investigations on methods by which people traffickers are able to circumvent Australian immigration barriers through visa fraud. Have you gone anywhere near that area? Have you seen those methods? Have there been any charges laid as a result of that type of fraudulent circumvention of visa barriers?

Mr Newman—Thanks for the opportunity. As indicated, the whole issue of visas is really something that we have left to DIMIA. I refer to Ms Blackburn's comments about the IDC. It has been a vehicle by which, when these issues have come up, we have looked to the agencies that have been the best to deal with them. As a consequence of some of our examinations, where we have identified matters in relation to tax, for example, they have been disseminated to the tax agency and where there are visa issues the information or intelligence would have been disseminated to DIMIA.

Mr RICHARDSON—For visa fraud, specifically?

Mr McMahon—Perhaps I can I add to that. Not only do we get that sort of information but obviously we have direct information about our own referrals. Also in some cases where we would be suspicious but maybe it would not constitute a referral, we would still raise the issue with our post. Unfortunately, particularly when you are dealing with a high-volume post, the fraud is quite adaptive and so it may well be that we do identify a pattern of fraud and put something in place to deal with that and, as that is then an unsuccessful way of committing fraud, they find another way. For example, at one stage we identified that from Thailand people were being mixed in with family groups so they could add a family member—a person might come out as part of a married couple on the basis of a fraudulent document and the so-called husband would disappear. That person would simply be an escort and go back, and so we were looking at that.

When you look at Thailand, for example, the profile of women who may fall within the bracket of visa fraud is women between the ages of 20 and 40. Now that is probably half the women who are coming here. If you are using who is participating in the sex industry here, then working backwards from that, it is very hard. We do have various means of bona fides. We have introduced a system called the safeguard system, which is a means of profiling people and it also allows us to put some intelligence information in. But in the end you would have to say that the way in which it is organised and the level of trafficking will vary significantly between countries. For some countries, such as Korea, which was mentioned earlier, the means of entering Australia is not through visa fraud. Essentially the people who are coming in are students or working holiday makers, so they are entering legally and they are working legally from that point on.

The issue then is, is it organised? I think the suggestion really is that there is a level of organisation around some of this movement. Then the issue after that is whether or not trafficking is involved. It would seem that the level of trafficking, say for Koreans, is actually very low but the visa fraud may be limited. If someone came in as a student with the intention of working full-time in the sex industry, that would be fraud, but it may well be that they come in as a working holiday maker and work three or four months full-time in the sex industry and that is not unlawful.

Senator GREIG—I was just wondering if there is a role or function in the kinds of prosecutions we are seeing for the DIMIA officer that we have placed in the embassy in Bangkok, who I met with a couple of years ago. Do they have a role in providing information and/or evidence to the courts or to the prosecution? Or is that not their function? My broad question is, in terms of the overall package, has having the DIMIA official based in Bangkok been helpful towards what we have been doing?

Mr McMahan—It is not particularly relevant to a prosecution. Effectively they are looking at some issues of return, they are looking at the way in which they can profile and they are looking at ways in which they can raise the awareness and increase the level of cooperation within the governments of the region. They are more the recipients of our experience so that they can look at how they can profile within the region to stop further entry, but also to provide advice to local governments about the sorts of things which are happening so that the governments can do more. But as far as prosecution goes, it is really what happens onshore and the way that they have been being treated.

Ms Blackburn—I should add in this context that, as you would be aware, there are arrangements for the provision of information between police and police. If the Australian police are investigating information, they can seek information from the Thai police for the purposes of investigation. If we need material for the purposes of prosecution then we can make mutual assistance requests to other countries—including Thailand—for the provision of evidence in a form in which it can be introduced into an Australian court.

Senator GREIG—Do you have a view as to the prospect of, in the long term, having similar complementary DIMIA officials in South Korea, China or wherever else the issue might be emanating from?

Ms Blackburn—I think my colleagues from DIMIA would comment on that. The government's response included the placement of the person in Thailand because Thailand was identified as the most important source country. The information that Mr Milroy provided suggested that that remained the case from an overall policy perspective. If it became evident that the kinds of issues that we have a compliance officer from Immigration dealing with in Thailand were arising in other countries, it would obviously be an option which would have to be considered.

Mr McMahan—We have 30 compliance officers located at our overseas posts. We do tasks on a range of issues; for example, we have coverage out of China in respect to Korea. Some of the issues that they raise are around sex workers and sex trafficking. As to the role of the person in Thailand, we located them in Thailand because it was clear that that was where the predominant form of sex trafficking was taking place. Her role was actually for the whole region, not just Thailand. She has undertaken regional consultations, including with Korea and China. We expect that to continue.

Senator GREIG—But isn't that an overwhelming task for one person? In South-East Asia you are dealing with developing countries and tens of millions of people. Would it be helpful for government resources to provide further staff in that area?

Mr McMahon—My own personal view is that we would not get the return from it, because we are using our network already to do it. As I said, the compliance officer out of Shanghai visited Korea and we have local migration officers there anyway who are actually setting up consultations. We had a deputy secretary visit Korea to discuss those issues, not only sex trafficking but also illegal working et cetera. We do not view it as just one person doing this job, but where we are going to get our returns at the moment is in Thailand. That is where the high energy part of the work has to take place. In some other countries the level of sex trafficking and people working illegally in the sex industry in Australia is quite low relative to the volume of movements. It is much more difficult to focus on or get a result out of in some of those other countries.

CHAIR—In terms of amending legislation at a state level, the 1999 amendments to the Criminal Code were picked up by the states and their legislation was synchronised to reflect provisions within the federal legislation. Are you aware of what plans the states have to further amend their state legislation to reflect the more recent amendments that have gone through or are in the process of going through?

Ms Blackburn—Thank you for that question. My colleague Ms Cockshutt, who has been handling our bill, has some information on where the states are at. We might come back to how we might take that forward.

Ms Cockshutt—I think that in your report there were four states that had introduced sexual servitude offences. There are now six. Only Tasmania does not have specific sexual servitude offences although they do have other criminal offences. I have done a table, which I am happy to table for the committee, so you know exactly which sections. They are aware of the people-trafficking bill—the minister raised it at the Australasian Police Ministers Council only last month. We have not specifically asked them to introduce any complementary legislation at this stage.

CHAIR—In your view, would the failure of any of the states—and it looks as if there are two that do not have relevant legislation—to enact amendments similar to those coming through at a federal level compromise the effectiveness of the overall effort to fight—

Ms Cockshutt—Under the bill we do have domestic trafficking offences now—there are constitutional limitations but we do have those available. I am not aware of any gaps. We would have to wait and see when the act comes into being whether there will be any gaps identified by the police or the ACC when they are doing their investigations.

Ms Blackburn—The Commonwealth legislation can deal with trafficking people between states. The only area where you have potentially got an issue with those states that have not fully implemented the MCCOC model is where you have got people that come into Australia and are then maybe trafficked within the state—

Ms Cockshutt—Although if it is trafficking by a corporation, our domestic trafficking offences would cover it.

Ms Blackburn—We can still cover it. The Commonwealth legislation has gone as broadly as we can within the constitutional limitations on the Commonwealth's powers. The fact that six of

the states and territories have gone forward with the MCCOC model is encouraging. I think that you may recall that we also put through the Australasian Police Ministers Council the national policing strategy to combat trafficking in women for sexual servitude. That was developed through the assistant commissioners crime forum. The AFP had the lead on that in that forum because it was meant to be an operational policing strategy primarily for state and territory police but it was also meant to cover the relationship between state and territory police, Australian Federal Police and immigration officials in investigating these cases. That strategy was endorsed in July 2004 and at the meeting of the Police Ministers Council on 1 June the Police Ministers Council endorsed a progress report which was submitted from June to December and they have asked for a further progress report to be submitted to the June 2006 meeting. So, in terms of questions that the committee was asking about continuing to review what is happening, the role of the implementation and monitoring by the Police Ministers Council of that national strategy, I think, is worthy of note.

Mr RICHARDSON—Are there any women in detention who have been trafficked and, if so, how many?

Mr McMahan—I do not know whether we have an answer to that question. We will have to take that on notice. I know of one case where a woman has made claims of being trafficked, has gone through all the relevant applications including protection visas, has come to the end of the process and has a ministerial intervention request before the minister. But it is a difficult question to answer in the sense that some people in the process do make a claim that they have been trafficked which they may then discard. So I do not think that we would have any data on anyone who simply made the claim.

Mr RICHARDSON—I would be happy for you to take that on notice and give us some feedback.

Mr McMahan—We would have to give a considered answer to it.

Senator GREIG—Ms Blackburn, in your opening contribution you talked about working on the strategy of a program for communications. I think this was part of the package in terms of broader advocacy. Can you tell us a bit about what is happening there and where you see it going? I ask that in the context of receiving some informal representations from Project Respect about a year ago who expressed disappointment in not being involved in the consultation for that. Was that the case? Has there been some communication and sharing of information with them in terms of coming up with a message strategy?

Ms Blackburn—In earlier questioning I did go through the detailed stages of the process that we are going through and I am happy to do that again. To deal specifically with the question about Project Respect, there were some issues raised by Project Respect when they did not get the tender for the first stage of the process. That went to a Melbourne consulting firm called Open Mind. I believe we have provided public information to the effect that it was an open tender process and that the specific skills that you need for running major communication and awareness raising strategies were not skills that Project Respect had as an individual organisation and nor did it put itself forward as such. However, we had been involved with Project Respect. They have been a strong participant in this process, they participated in the ministerial roundtable, which was held earlier while we were developing the package, and my

recollection is that Project Respect is indeed on the steering committee for the development of the community awareness strategy. That was a step that we took in acknowledging that Project Respect and particularly Kathleen Maltzahn have a great deal of knowledge that we would want to have available to us. It was available to us in the course of developing the package, we were very grateful for the contribution they made and we look forward to her continuing to do that in the development of the community awareness strategy.

Senator GREIG—In terms of the end goal of the message of this education and advocacy program, what do you perceive as being the demographic? Where is the target?

Ms Blackburn—We are still in the process of defining that. But, at a conceptual level, the target is people who are working in the sex industry, people who are users of the sex industry and other forms of service providers who might come in contact with people who are working in the sex industry, obviously looking at medical service providers or clinics that might be used. The starting point was looking very much to targeting those who might not at the moment recognise a victim of trafficking, whether they be colleague workers in the sex industry, providers of the various services or indeed the users of those services. That is part of the reason that it is quite a difficult campaign to develop. How do you communicate that message, for example, to users of brothels? This is what a trafficking victim looks like and you should be aware and you should know that this is a person that you should take some action in relation to; and similarly for co-workers in the sex industry to have an understanding that there may be workers in the sex industry who have been trafficked.

Part of the challenge with this is then trying to identify what is the responsibility. You are then going through the message to put on, say, a co-worker to do something about it. That is the real challenge with it. It is not an easy package. At this stage, I have not seen outcomes of the focus groups nor the proposed product. Similarly, it will take us some time to get that product cleared through the various government processes. You are talking about potentially having posters and brochures with Australian government logos on them, again with messages which not everyone will agree with and not everyone will understand why it is important to have the message out there.

Senator GREIG—Good luck with it.

Ms Blackburn—I think we are going to need it.

CHAIR—We risk having you view us as inquisitors from the dark ages, Ms Blackburn. I am very keen to let you get out of the room.

Ms Blackburn—I am recovering from coughing; it is okay.

CHAIR—I have one last question to our good people from DIMIA. Australia has working holiday arrangements with Korea and Japan. Have any other agreements been worked out or finalised since the government introduced its package?

Mr McMahon—I will have to take that one on notice. I believe there have been a couple. I would want to be confident about the answer.

CHAIR—It would be appreciated if you could take that on notice. There are no further questions, so I thank all the witnesses very much for giving so freely of their time and expertise. I declare this public hearing closed.

Committee adjourned at 10.41 am