



Australian Government

TRAFFICKING IN PERSONS

THE AUSTRALIAN GOVERNMENT RESPONSE
1 JULY 2016 – 30 JUNE 2017

THE NINTH REPORT OF THE INTERDEPARTMENTAL COMMITTEE
ON HUMAN TRAFFICKING AND SLAVERY

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FOREWORD

I am pleased to highlight the important work of Australian Government agencies and key partners during 2016-17 to combat human trafficking and slavery in Australia, the region, and globally.

Identified instances of human trafficking and slavery, such as servitude, forced labour, debt bondage, and forced marriage, remain relatively rare in Australia. The Australian Government has a robust framework to respond to these egregious crimes which covers prevention, disruption, prosecution and victim protection. We can reasonably assume, however, that there are exploitative practices and crimes that are not brought to the attention of law enforcement and government agencies.

Over 2016-17, the National Roundtable on Human Trafficking and Slavery (National Roundtable) continued to be an important consultative mechanism between government, non-government organisations (NGOs), business, unions and academia. The Australian Government welcomes the collaborative and cooperative relationship with a range of stakeholders to comprehensively address priority matters and emerging challenges. Together these organisations are united in the goal of eradicating human trafficking and slavery.

The Australian Government had an important focus on outreach and engagement activities during 2016-17. On 4 August 2016, the Australian Government hosted an expert panel event to mark the World Day Against Trafficking in Persons. The first of its kind in Australia, the event involved vibrant discussion about collaboration between government, business and civil society to effectively combat human trafficking and slavery.

In late 2016-17, the Australian Government collaborated with specialist NGOs to deliver workshops in every state and territory to raise awareness of the Government's response to forced marriage. Forced marriage is one of the most complex crimes confronting human trafficking experts. The victims are usually young women and girls; the perpetrators are often, sadly, members of their family. Community outreach is critical. It helps us to understand the aspects of our response that are working well, and to identify the areas where we need to further enhance Australia's response.

Important progress was also made in relation to serious forms of labour exploitation. In August 2016, the National Roundtable established the Labour Exploitation Working Group to consider Australia's response to criminal forms of labour exploitation and provide recommendations to the Ministerial meeting of the National Roundtable in 2018. In October 2016, the Government also established the Migrant Workers' Taskforce to provide expert advice on better protections for migrant workers. In November 2016, the Government also initiated a range of activities in response to the recommendations of the National Roundtable's Supply Chains Working Group to combat serious exploitation in supply chains.

Recognising the transnational nature of human trafficking and slavery, it is essential that countries work together to share expertise, experience and information. Australia is committed to remaining a regional leader in efforts against these crimes, including through the Australian Aid Program and as co-chair, alongside Indonesia, of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process). In 2016-17, the Australian Government worked to establish the Bali Process Government and Business Forum – the world's first regional public-private partnership to tackle human trafficking and slavery. The Government also spearheaded the development of a new Bali Process policy guide on using 'Follow the Money' techniques to investigate and prosecute instances of human trafficking, which will be distributed to regional countries alongside related training.

The year 2016-17 has also seen the active participation of the Interdepartmental Committee on Human Trafficking and Slavery in three Commonwealth parliamentary inquiries and one New South Wales inquiry. These important forums for accountability and transparency assist to identify new measures to strengthen Australia's response to human trafficking and slavery.

Following its establishment in December 2017, the Department of Home Affairs took the lead on the whole-of-government response to combat human trafficking and slavery. The Home Affairs portfolio brings key Government actors on human trafficking and slavery closer together, and presents important opportunities to shape Australia's security, safety, and prosperity. In the year ahead, the Australian Government will continue to adapt our response to human trafficking and slavery in light of the evolving methodologies of criminals and criminal networks. We will continue to respond to and take forward recommendations from parliamentary inquiries, taskforces and working groups. We will continue vital outreach and engagement with vulnerable communities and continue to partner with like-minded countries in the region to disrupt the terrible trade in human beings.

I look forward to presenting the next report on Australia's response to human trafficking and slavery throughout 2017-18 to 2019-20.

The Hon Jason Wood MP

Assistant Minister for Customs, Community Safety and Multicultural Affairs

TERMINOLOGY

Human trafficking and slavery

For ease of reference, this document uses ‘human trafficking and slavery’ as a general term that encompasses all human trafficking, slavery, and slavery-like offences in Divisions 270 and 271 of the *Criminal Code Act 1995* (Cth) (*Criminal Code*). These offences include servitude, forced labour, deceptive recruiting for labour or services, debt bondage and forced marriage.

Trafficked people vs victim

The term ‘trafficked people’ is also used as a general term that encompasses all victims of human trafficking, slavery and slavery-like practices. The exception is where the term ‘victim’ is used in relation to a proper noun or has a specific meaning in relation to law enforcement, for example, victim impact statements or victims’ compensation.

ABBREVIATIONS

Adult Migrant English Program	AMEP	Department of Social Services	DSS
Association of Southeast Asian Nations	ASEAN	Fair Work Ombudsman	FWO
Attorney-General’s Department	AGD	Interdepartmental Committee on Human Trafficking and Slavery	IDC
Australia-Asia Program to Combat Trafficking in Persons	AAPTIP	International Labour Organization	ILO
Australian Border Force	ABF	International Organization for Migration	IOM
Australian Criminal Intelligence Commission	ACIC	Joint Standing Committee on Foreign Affairs, Defence and Trade	JSCFADT
Australian Federal Police	AFP	Non-government organisation	NGO
Australian Institute of Criminology	AIC	Operational Working Group on Human Trafficking and Slavery	OWG
Bridging F visa	BVF	Referred Stay (Permanent) visa	RSV
Commonwealth Director of Public Prosecutions	CDPP	Support for Trafficked People Program	STPP
Criminal Justice Stay visa	CJSV	United Nations Convention against Transnational Organized Crime	UNTOC
Department of Foreign Affairs and Trade	DFAT	United Nations Office on Drugs and Crime	UNODC
Department of Immigration and Border Protection	DIBP	United Nations General Assembly	UNGA

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EXECUTIVE SUMMARY

This is the ninth annual report of the Interdepartmental Committee on Human Trafficking and Slavery (IDC), covering the period 1 July 2016 to 30 June 2017 (2016-17). The IDC has oversight of the Australian Government's *National Action Plan to Combat Human Trafficking and Slavery 2015-19*. Since 2009, the Australian Government has undertaken systematic annual reporting of outcomes under Australia's strategy to combat human trafficking and slavery.¹

During 2016-17, the AFP received 150 new referrals relating to human trafficking and slavery, taking the total to 841 since 2004. In 2016-17, 13 human trafficking and slavery-related prosecutions were before the courts, including seven new prosecutions. As of 30 June 2017, there were two bills before Parliament seeking to strengthen the vulnerable witness protections afforded by the *Crimes Act 1914* (Cth) (Crimes Act). These bills are aimed at overcoming impediments to successfully prosecuting human trafficking and slavery offences.

In 2016-17, 91 clients (including 39 new clients) received specialised support via the Support for Trafficked People Program (STPP), taking the total to 350 clients on the STPP since it began in 2004. Through the Human Trafficking Visa Framework, the Department of Immigration and Border Protection (DIBP) granted 17 Referred Stay (Permanent) visas and 14 Bridging F visas in 2016-17 to suspected trafficked people and their immediate family members.

In 2016-17, almost half of trafficking and slavery-related referrals to the AFP related to someone in or at risk of forced marriage. In early 2017, the Government held nation-wide awareness-raising and consultation workshops on forced marriage, alongside specialist NGOs, with over 100 NGO and frontline responder participants. The outcomes from these consultations will inform options to strengthen the Government's response to forced marriage.

During 2016-17, the Australian Government and civil society continued to work collaboratively to combat human trafficking and slavery, including through the National Roundtable on Human Trafficking and Slavery (National Roundtable). Since 2008, the Australian Government has committed more than \$5.3 million to support specialist NGOs in their efforts to provide support and outreach services to trafficked people and conduct education and awareness-raising initiatives on human trafficking and slavery issues. In August 2016, the Government hosted an expert panel event to mark the United Nations (UN) World Day Against Trafficking in Persons and the seventh Senior Officials' Meeting of the National Roundtable. The Australian Government also convened the eighth Ministerial level National Roundtable meeting on 28 November 2016. At this meeting, the Government responded to the Supply Chains Working Group's recommendations to address serious exploitation in supply chains. The Government committed to consider the feasibility of a model for large businesses in Australia to publicly report on their actions to address exploitation in supply chains, including by reviewing the effectiveness of international best practice.²

Combating labour exploitation was a key focus in 2016-17. On 4 August 2016, the National Roundtable senior officials agreed to create the Labour Exploitation Working Group (LEWG) to provide recommendations on addressing criminal forms of labour exploitation. The LEWG is chaired by the President of the Law Council of Australia, Fiona McLeod SC. Members include key civil society and government members of the National Roundtable. On 4 October 2016, the Minister for Employment, Senator the Hon Michaelia Cash, established the Migrant Workers' Taskforce to provide expert advice on better protections for migrant workers. The Migrant Workers' Taskforce announced key achievements in 2016-17, including a new reporting protocol between DIBP and the FWO, which encourages temporary visa holders to report exploitation at work.

¹ Previous reports are available online at: <<https://www.homeaffairs.gov.au/about/crime/human-trafficking/australias-response>>

² Following this reporting period, in August 2017, the Government announced its intention to legislate to establish an Australian Modern Slavery in Supply Chains Reporting Requirement. The *Modern Slavery Act 2018* then came into force on 1 January 2019.

The FWO also commenced building a translated version of its online anonymous reporting tool to enable migrant workers to report workplace issues in their own language.

As part of its Protecting Vulnerable Workers policy, the Government provided the FWO with additional funding of \$20.1 million over four years from 2016-17 to assist in addressing the exploitation of vulnerable workers. The Government also introduced the Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017. The Bill amends the *Fair Work Act 2009* (Cth) to include higher penalties for serious contraventions of workplace laws, make franchisors and holding companies responsible for underpayments in certain circumstances, and strengthen evidence gathering powers of the FWO.

The *International Strategy to Combat Human Trafficking and Slavery* continued to guide Australia's approach to engaging with regional and international actors on trafficking and slavery. Australia co-sponsored the first ever UN Security Council Resolution (2331) on targeting human trafficking in conflict situations. As co-chair of the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process), Australia continued to play a leading role in regional cooperation on human trafficking issues in 2016-17. Australia led preparations for the inaugural Bali Process Government and Business Forum,³ engaging with the private sector throughout the region on combating human trafficking and exploitation.

During 2016-17, the IDC made submissions to and appeared before four separate parliamentary inquiries related to Australia's response to human trafficking and slavery, including:

- the Joint Committee on Law Enforcement's Inquiry into human trafficking, slavery and slavery-like practices
- the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into Human Organ Trafficking and Organ Transplant Tourism
- the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into establishing a Modern Slavery Act in Australia
- the New South Wales Legislative Council Select Committee inquiry into human trafficking

During the next reporting period (2017-18), the Australian Government will focus on supporting vulnerable victims and protecting vulnerable workers, strengthening the response to forced marriage, and working with businesses to combat exploitation in supply chains. The Australian Government will also continue to invest in regional capacity building and strong international engagement to combat human trafficking and slavery in the region and beyond.

³ The Bali Process Government and Business Forum was launched on 24-25 August 2017.

KEY OUTCOMES



AUSTRALIA'S RESPONSE

CONTEXT

Human trafficking and slavery are serious and complex crimes that can take many different forms and result in grave human rights violations. While human trafficking and people smuggling are both serious crimes, they are inherently different in nature. People smuggling is the organised, irregular movement of people across international borders, usually on a payment-for-service basis, and does not involve the ongoing exploitation of the victim by the offender. By contrast, human trafficking is fundamentally concerned with exploitation.

The Australian Government defines human trafficking as the movement of a person into, out of, or within Australia through the use of coercion, threats or deception⁴ for certain exploitive end purposes. These exploitive end purposes are slavery, servitude, forced labour, forced marriage and debt bondage. Australia's response to human trafficking therefore also addresses the exploitative practices of slavery and slavery-like offences. Despite legal differences, people smuggling and human trafficking may intersect in practice. Migrants may be vulnerable to trafficking while being transported and once they arrive at their destination.

The Australian Government has implemented a comprehensive, whole-of-government approach to combating human trafficking and slavery since 2004. Australia remains committed to working with other governments domestically and internationally, and with intergovernmental organisations, NGOs, business and unions to prevent these crimes, detect and prosecute the perpetrators, and protect and support the victims.

Collaborative action in the region and internationally has led to new research and innovative approaches to combat human trafficking and slavery. In 2016-17, there was increased focus through the Bali Process on the financial flows associated with human trafficking, regional cooperation to disrupt these crimes, and enhancing government-business collaboration.

Accurate baseline data and understanding unique vulnerabilities are important to inform the development of successful policy initiatives to combat human trafficking and slavery. The UN Office for Drugs and Crime (UNODC) 2016 Global Report on Trafficking in Persons and the United States 2016 Trafficking in Persons Report highlighted global data trends, strengths and key challenges in combating human trafficking and slavery. Trafficking for sexual exploitation and forced labour were identified as prominent forms of human trafficking and slavery, and vulnerabilities to human trafficking from migration and conflict were recognised. Estimating the number of modern slavery victims globally remains a challenge. The 2016 UNODC report identified that women and girls comprise 71 per cent of detected trafficking victims globally, and children comprise 28 per cent. NGO estimates indicated there were more than 40 million victims of modern slavery in 2016 and cross-sector collaboration was underway in 2016-17 to develop new UN Global Estimates of Modern Slavery.

Human trafficking and slavery in Australia

Australia's geographic isolation, strong migration controls, and robust compliance and enforcement limit opportunities to traffic people into, or exploit people within, Australia. These factors ensure Australia remains a hostile environment that discourages potential offenders. However, Australia is not immune from these serious crimes. Collaborative efforts between government, business and civil society are critical to disrupting, combating and preventing these insidious crimes within Australia and also offshore.

⁴ Coercion, threats or deception are not required where the victim is a child.

Australia is traditionally a destination country for human trafficking and slavery. Historically, a significant proportion of trafficked people identified by Australian authorities have been women from Asia who have been exploited within the sex industry. In recent years, the AFP has identified more diverse groups of victims by gender and country of origin, including but not limited to Sudan, Pakistan and Afghanistan. These victims have often been exploited in a range of industries other than the sex industry, or within intimate and family relationships. In 2016-17, 130 of the 150 human trafficking referrals to the AFP related to forms of exploitation not involving the sex industry. Of the 91 clients on the STPP in 2016-17, 81 experienced exploitation other than in the sex industry. To a limited extent, Australia is also a source and destination country for people who are forced to marry. In 2016-17, the AFP received 70 referrals related to forced marriage.

Australian authorities are also taking action to address labour exploitation involving temporary and migrant workers. Labour exploitation occurs across a spectrum of severity ranging from slavery and slavery-like practices such as forced labour to poor working conditions, including low wages and substandard working and living conditions. As Australia's response to human trafficking, slavery and slavery-like practices becomes increasingly sophisticated, the Australian Government is working to address the practices and social norms that make people vulnerable to exploitation. This will continue to improve Australia's ability to identify victims and prevent and detect exploitation.

Australia maintained its Tier 1 rank in the 2017 US Trafficking in Persons Report for the 14th consecutive year in 2016, highlighting Australia's strong response to human trafficking and slavery.

NATIONAL ACTION PLAN

The Australian Government's National Action Plan guides Australia's whole-of-community response to human trafficking and slavery. The National Action Plan sets the strategic framework and key objectives for Australia's response to these crimes and includes key areas of focus and action items for Government. Importantly, the National Action Plan is based on four central pillars: prevention and deterrence; detection and investigation; prosecution and compliance; and victim support and protection. This ensures the National Action Plan focuses on the full cycle of human trafficking and slavery from recruitment to reintegration, and gives equal weight to prevention, enforcement and victim support. Key outcomes under the National Action Plan for 2016-17 are outlined on page 22-35. The structure of mechanisms that progress the whole-of-government response to human trafficking and slavery under the National Action Plan is on page 14.

International Strategy to Combat Human Trafficking and Slavery

Australia's *International Strategy to Combat Human Trafficking and Slavery* commits the Australian Government as a regional leader and provides a clear framework to guide the Australian Government's work against human trafficking and slavery. The *International Strategy to Combat Human Trafficking and Slavery* guides coordination of Australia's international engagement at the bilateral, regional and multilateral levels – in line with the four pillars of Australia's domestic National Action Plan. The whole-of-government International Working Group on Human Trafficking and Slavery (IWG) actively implements the *International Strategy to Combat Human Trafficking and Slavery*. The IWG met three times during 2016-17.



INTERDEPARTMENTAL COMMITTEE ON HUMAN TRAFFICKING AND SLAVERY

The Interdepartmental Committee on Human Trafficking and Slavery (IDC) is responsible for overseeing Australia's anti-trafficking strategy, including monitoring its implementation, reporting to the Australian Government on its effectiveness, and ensuring emerging issues are addressed on a whole-of-government basis. Relevant agencies remain responsible for administering individual components of the strategy.

Attorney-General's Department (AGD)

During 2016-17, AGD⁵ had overarching responsibility for managing and coordinating Australia's response to human trafficking and slavery under the National Action Plan, including:

- oversight of the implementation and monitoring of the National Action Plan, including managing Australia's reporting in international forums such as the UN
- coordination and oversight of whole-of-government policy on human trafficking and slavery, including by chairing the IDC and the IDC's OWG
- developing and administering key legislation, including criminal offences and protections for vulnerable witnesses
- driving engagement with business and civil society on human trafficking and slavery, including by chairing the National Roundtable on Human Trafficking and Slavery and ad hoc working groups, as well as delivering funding for civil society organisations, and
- international legal capacity building to combat human trafficking and slavery, including through co-chairing the *Bali Process Working Group on Trafficking in Persons*.

Australian Criminal Intelligence Commission (ACIC)

The ACIC is Australia's national criminal intelligence agency and works to develop a national understanding of serious and organised crime, including threats associated with human trafficking and slavery.

Australian Federal Police (AFP)

The AFP is the primary investigative agency for human trafficking and slavery and is responsible for referring suspected victims to the STPP.

⁵ Following this reporting period, on 23 December 2017, the new Department of Home Affairs commenced leading the whole-of-government response to human trafficking and slavery.

Australian Institute of Criminology (AIC)

The AIC is responsible for the research component of Australia's response to human trafficking and slavery.

Commonwealth Director of Public Prosecutions (CDPP)

The CDPP is responsible for prosecuting Commonwealth criminal offences, including human trafficking and slavery.

Department of Employment

The Department of Employment⁶ is responsible for national policies and programmes that help Australians work in safe, fair and productive workplaces.

The Department of Employment is leading the Government's implementation of its Protecting Vulnerable Workers policy, which includes the establishment of the Migrant Workers' Taskforce and amendments to the Fair Work Act to strengthen protections for vulnerable workers and powers of the Fair Work Ombudsman (FWO).

Department of Foreign Affairs and Trade (DFAT)

DFAT plays a lead regional and international role in the Government's efforts to combat human trafficking and slavery, including advocacy, engagement and development assistance.

Department of Immigration and Border Protection (DIBP)

During 2016-17, the then DIBP⁷ administered the Human Trafficking Visa Framework and provided migration and border protection-related capacity building and technical assistance in the region. As the operational arm of DIBP, the Australian Border Force (ABF) is responsible for protecting Australia's border and managing the movement of people and goods across it, including leading Taskforce Cadena with the FWO. DIBP refers cases of suspected human trafficking and slavery to AFP.

⁶ Following this reporting period, on 23 December 2017, the Department of Employment was re-titled the Department of Jobs and Small Business.

⁷ Following this reporting period, on 23 December 2017, the new Department of Home Affairs commenced leading the whole-of-government response to human trafficking and slavery, including administration of the Human Trafficking Visa Framework, regional capacity building and technical assistance, and operational work through the ABF.

Department of the Prime Minister and Cabinet (PM&C)

PM&C provides high quality advice and support to the Prime Minister, the Cabinet, Portfolio Ministers and Assistant Ministers to achieve a coordinated and innovative approach to the development and implementation of Government policies. PM&C is a member of the IDC in this capacity.

Department of Social Services (DSS)

DSS administers the STPP, contributing funding to the Australian Red Cross to provide case management services.

Fair Work Ombudsman (FWO)

The FWO is responsible for enforcing compliance with Australian workplace laws. The FWO's services also involve the provision of education, assistance and advice about Australia's workplace relations system.

INTERDEPARTMENTAL WORKING GROUPS

Operational Working Group (OWG)

The OWG operates as a subcommittee of the IDC to resolve systemic operational issues that arise in the management of individual cases. AGD chairs the OWG, with membership from the AFP, CDPP, DIBP and DSS. The OWG meets on a six-weekly basis and has an important role in considering and referring emerging policy issues for the IDC's consideration.

Key policy issues under OWG consideration during 2016-17 included:

- protections and visa pathways for private domestic workers exploited in consular and diplomatic households
- impediments to successful prosecutions in forced marriage cases, and
- possible responses to situations where a young person is forcibly married offshore and is later made to sponsor their spouse's visa application to facilitate permanent residency in Australia.

International Working Group on Human Trafficking and Slavery (IWG)

The IWG drives and coordinates the Government's international efforts on human trafficking and slavery. DFAT chairs the IWG, which has a flexible membership of Australian Government agencies. Core members are AGD, AFP, the Bali Process Regional Support Office, DIBP, DSS, Department of Employment, PM&C and the Treasury. The IWG meets approximately quarterly.

Working Group on Protections for Private Domestic Workers Working for Diplomats or Consular Officials

The Working Group on Protections for Private Domestic Workers Working for Diplomats or Consular Officials drives initiatives to increase protections for, and reduce the vulnerability of, private domestic workers working for foreign officials in Australia. AGD chairs the Working Group, which also comprises DIBP, DFAT, FWO and the Department of Employment. The Working Group meets on an ad hoc basis.

NATIONAL ROUNDTABLE

The Australian Government has built and maintained strong partnerships with key civil society organisations, business and industry, academia and unions that play a pivotal role in Australia's fight against human trafficking and slavery. The cornerstone of these collaborative efforts is the National Roundtable on Human Trafficking and Slavery (National Roundtable), a consultative mechanism convened annually at ministerial-level since 2008. The supplementary Senior Officials' Meeting of the National Roundtable, convened annually since 2010, has provided a less formal platform for experts and practitioners from member organisations to discuss legislative and policy responses to emerging issues relating to human trafficking and slavery in Australia, the region and further afield.

Seventh Senior Officials' Meeting of the National Roundtable

On 4 August 2016, AGD convened the seventh Senior Officials' Meeting of the National Roundtable in Canberra. The Senior Officials' Meeting featured updates from Government agencies, including on the implementation of the Supply Chains Working Group's recommendations; responses to all forms of labour exploitation; and recent regional engagement under the *International Strategy to Combat Human Trafficking and Slavery* and through the *Bali Process on People Smuggling, Trafficking in Persons, and Related Transnational Crime* (Bali Process).

At this meeting, members agreed to refocus the existing Communication and Awareness Working Group as a Labour Exploitation Working Group, with a view to develop recommendations for Government on effectively addressing serious forms of labour exploitation in Australia.

Anti-Slavery Australia and the Law Council of Australia also presented an overview of their findings and recommendations regarding the establishment of a national victims' compensation scheme for trafficked people.

Eighth Ministerial National Roundtable



On 28 November 2016, the eighth Ministerial-level National Roundtable meeting was held at Parliament House in Canberra. The Minister for Justice, the Hon Michael Keenan MP, convened the National Roundtable in partnership with the Minister for Foreign Affairs, the Hon Julie Bishop MP, and the Minister for Immigration and Border Protection, the Hon Peter Dutton MP (now Minister for Home Affairs).

The Minister for Justice highlighted the establishment of the expert Migrant Workers' Taskforce and Labour Exploitation Working Group as best practice examples of inter-governmental and cross-sector collaboration to combat labour exploitation. He also thanked the Supply Chains Working Group for their expert advice and announced the Government's response to the Working Group's recommendations, including a review of international supply chains reporting requirements for business.

The Minister for Foreign Affairs stressed the importance of using international and regional platforms to progress and promote Australia's anti-trafficking efforts. The Minister for Foreign Affairs commended the launch of Australia's *International Strategy to Combat Human Trafficking and Slavery*, and work through the Bali Process, including the new Bali Process Government and

Business Forum⁸ which brings together ministers and business leaders from 45 member countries from across the region.

The Minister for Immigration and Border Protection acknowledged the whole-of-government efforts to address the exploitation of migrant workers in Australia, noted recent reforms to the *Migration Act 1958* (Cth), and remarked on the continued close cooperation between the ABF and the FWO on Taskforce Cadena to investigate allegations of migration fraud and worker exploitation.

During the ministerial question and answer session with non-government members, discussions focused on the Government's efforts to combat supply chain exploitation; calls for a Commonwealth victims' compensation scheme; updates on government-funded projects targeting forced marriage; and the need for engagement with civil society organisations through the Bali Process.

Presentations included updates on the progress of the recently established Migrant Workers' Taskforce and Labour Exploitation Working Group; regional capacity building; and improving connectedness with the states and territories.

⁸ The Bali Process Government and Business Forum was launched following this reporting period, on 24-25 August 2017.

KEY OUTCOMES

During 2016-17, the Australian Government and key partners implemented a large number of new initiatives and progressed activities in Australia and abroad. These initiatives contribute to the effective implementation of the key areas of focus under the National Action Plan

World Day Against Trafficking in Persons



On 4 August 2016, AGD and DFAT co-hosted an expert panel event in Canberra to mark UN World Day Against Trafficking in Persons. The first Australian event of its kind, the panel brought together more than 130 attendees from business, civil society, the diplomatic community and government to

explore the theme *'How can government, business and civil society work together to more effectively combat human trafficking and slavery?'*

The Minister for International Development and the Pacific, Senator the Hon Concetta Fierravanti-Wells, delivered the opening address which highlighted Australia's collaborative efforts to combat human trafficking and slavery, including through close cooperation with partner countries in the region, as well as with international civil society organisations.

The audience heard insights from five expert panellists: Jo Pride (CEO, Hagar Australia), Dr David Cooke (Chairman & Managing Director, Konica Minolta), Leanne Close (Deputy Secretary, Criminal Justice Group, AGD), Professor Jennifer Burn, (Director, Anti-Slavery Australia), and Margret Stuart (Head of Corporate and External Relations, Nestle Oceania). Each panellist spoke to the event theme, drawing from their own extensive professional experience.



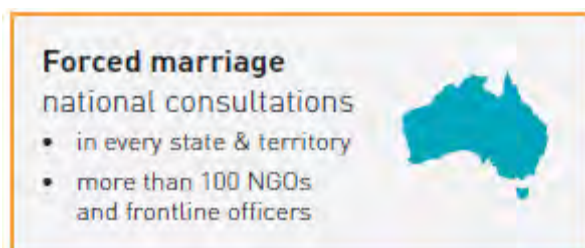
Senator Fierravanti-Wells addressing attendees on stage with five expert panellists.

Questions from the floor, moderated by Australia's Ambassador for People Smuggling and Human Trafficking, Andrew Goledzinowski, highlighted a range of important issues, including how businesses can prevent and detect exploitation in their supply chains, and the role of consumers in combating supply chain exploitation.

The panel event highlighted the value of open and constructive engagement between government, civil society and business to effectively combat trafficking in persons and support and protect victims.

The panel event contributes towards implementation of the National Action Plan key focus area: increasing awareness raising and education.

Forced Marriage National Consultations and Training



Since forced marriage was criminalised in 2013, the number of referrals made to the AFP and the Government's STPP has continued to rise. In 2016-17, almost half of all referrals received by AFP Human Trafficking Teams related to someone in, or at risk of, forced marriage.

A key area of focus under the National Action Plan is to refine Australia's response to forced marriage. Four years after criminalisation, AGD undertook comprehensive consultations to assess how Australia's existing policy and legislative frameworks were operating in practice.

Between May and August 2017, AGD partnered with the AFP, Anti-Slavery Australia, the Australian Muslim Women's Centre for Human Rights, and the Australian Red Cross to deliver a series of training workshops in each state and territory capital city. The workshops sought to raise awareness of forced marriage issues – including its root causes, key indicators and referral pathways – to build the capacity of first responders and frontline service providers to better identify and respond to suspected cases of forced marriage.



Attendees at the Adelaide consultation workshop



Attendees at the Perth consultation workshop

Alongside the workshops, AGD held nation-wide consultations with key state and territory government agencies, and state-based Commonwealth agencies, to seek feedback on how existing frameworks were operating in their jurisdictions. The consultations also sought to build a knowledge base of local best-practice responses to forced marriage and facilitate networking and information sharing between Commonwealth, state and territory government agencies.



Attendees at the Hobart consultation workshop

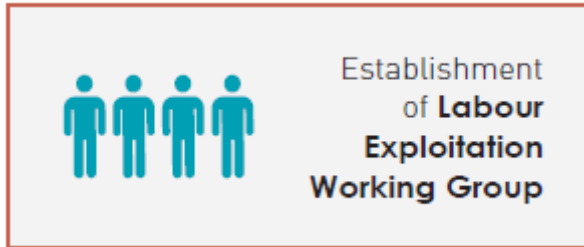


Attendees at the Melbourne consultation workshop

The Government consultations revealed contrasting levels of familiarity, understanding and expertise in responding to forced marriage across Australia. This highlighted a need for more targeted education and awareness-raising efforts; better interagency coordination and collaboration; enhanced prevention and protection measures; and improved access to victim support, including culturally-sensitive and age-appropriate accommodation. These findings will inform the development of options to strengthen the Government's response to forced marriage.

The forced marriage training workshops and consultations contributed towards implementation of the National Action Plan key focus areas: monitoring of 2013 legislative reforms, increasing awareness raising and education, refining the response to forced marriage, and strengthening connectedness with the states and territories.

New Labour Exploitation Working Group



The National Roundtable on Human Trafficking and Slavery (National Roundtable) established the Labour Exploitation Working Group in August 2016 to consider Australia's response to criminal forms of labour exploitation and provide a report and recommendations to the National

Roundtable. The Working Group's focus is on exploitation of labour or services in professional or private settings that constitutes an offence under Divisions 270 and 271 of the *Criminal Code*. The Working Group is comprised of government and civil society members of the National Roundtable who contribute policy, legal or practical expertise on human trafficking and slavery matters. The Working Group chair is Fiona McLeod SC, President of the Law Council of Australia.

The Working Group met four times in 2016-2017 to discuss gaps, challenges and opportunities with respect to Australia's response to criminal forms of labour exploitation and progressed a range of work out of session. The Working Group's analysis spanned multiple points of intervention, including prevention, identification and referral processes, investigations and prosecutions, access to remedies and support services for victims.

Going forward, the Working Group will continue finalising a summary of its findings and a series of recommendations to the Australian Government from civil society members. The Working Group will report to the National Roundtable in 2018.

The establishment of the Labour Exploitation Working Group contributes towards implementation of the National Action Plan key focus areas: monitoring of the 2013 legislative reforms, and considering our response to labour exploitation in supply chains.

Responses to Supply Chains Working Group

Review of international
best practice to address
**exploitation in
supply chains**



The Australian Government established the Supply Chains Working Group under the National Roundtable in 2014. The Working Group was tasked with making recommendations to government about possible strategies to address serious exploitation in supply chains and finalised its

report in early 2016. The Government responded to the Supply Chains Working Group report at the National Roundtable on 28 November 2016. As part of its response, the Government announced it would:

- create a series of awareness-raising materials for business
- consider the feasibility of a model for large businesses in Australia to publicly report on their actions to address supply chain exploitation, including by reviewing the effectiveness of other international responses
- examine options for an awards program for businesses that take action to address supply chain exploitation, and
- explore the feasibility of a non-regulatory, voluntary code of conduct for high risk industries.

The Australian Government has taken further action, in line with the recommendations of the Working Group since its initial response on 28 November 2016. On 7 June 2017, the Australian Government announced an independent review of the Australian National Contact Point.⁹

Implementing the Supply Chains Working Group recommendations contributes towards implementation of the National Action Plan key focus area: considering our response to labour exploitation in supply chains

⁹ Following this reporting period, on 16 August 2017, the Australian Government announced that it proposed to introduce a Modern Slavery in Supply Chains Reporting Requirement. This takes forward a key recommendation of the Supply Chains Working Group.

New Bali Process Policy Guide on Following the Money



Australia co-chairs the Bali Process Working Group on Trafficking in Persons (TIPWG) with Indonesia. At the third annual meeting of the TIPWG on 25 May 2017, the TIPWG endorsed the new Bali Process Policy Guide on Following the Money in Trafficking in Persons Cases, and related training.

The new policy guide is a voluntary, non-binding reference on regional best practice approaches to using anti-money laundering and asset recovery techniques to strengthen human trafficking investigations and prosecutions. It is aimed at police, prosecutors and financial intelligence units from Bali Process member countries. It is the fifth in a series of Bali Process best practice policy guides.



Attendees at the Third Meeting of the Bali Process Working Group on Trafficking in Persons.

A drafting committee, co-chaired by Indonesia and Australia, with experts from Bangladesh, the Philippines, Thailand and the UNODC, developed the new policy guide and related training. Indonesia and Australia co-chaired a consultation workshop on 23-24 May 2017, where Bali Process member countries reviewed and discussed the draft materials, sharing lessons learned, best practice and case studies.



Members of the Policy Guide drafting committee.

An ongoing priority of the TIPWG is to promote and provide training on the new policy guide to countries in the Indo-Pacific region, to facilitate effective implementation and use. This includes translating the materials into regional languages and uploading them to the Bali Process website, sharing the materials with domestic agencies and using them as awareness-raising and training tools.

The new *Bali Process Policy Guide on Following the Money in Trafficking in Persons Cases* contributes towards implementation of the National Action Plan key focus area: enhancing regional cooperation to combat human trafficking and slavery.

Strengthened protections for vulnerable workers

The Australian Government announced its Protecting Vulnerable Workers policy in May 2016, which included: establishing the Migrant Workers' Taskforce; investing \$20.1m in FWO capabilities; strengthening FWO powers; increasing penalties to employers who underpay workers and fail to keep proper employment records; and introducing new offences to capture franchisors and parent companies who fail to deal with labour exploitation by franchisees in certain circumstances.

Strategies to protect vulnerable workers contribute towards implementation of the National Action Plan key focus areas: monitoring the 2013 legislative reforms, and increasing awareness raising and education for vulnerable groups, frontline responders and the general community.

Migrant Workers' Taskforce



On 4 October 2016, the then Minister for Employment,¹⁰ Senator the Hon Michaelia Cash, established the Migrant Workers' Taskforce. Professor Allan Fels AO was appointed chair of the Taskforce, with Dr David Cousins AM as the Deputy Chair.

The Migrant Workers' Taskforce brings together a range of Commonwealth agencies to provide expert advice on ways to deliver better protections for migrant workers, including improvements in law, law enforcement and investigation, or other practical measures to identify and rectify cases of migrant worker exploitation.

The Migrant Workers' Taskforce initially focused on four areas of action: better communication with visa holders; stronger measures to prevent and address workplace exploitation; more effective enforcement; and ensuring that policy frameworks and regulatory settings are appropriate.

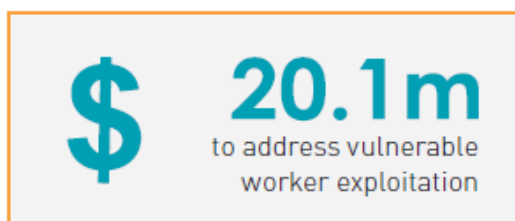
¹⁰ The title Minister for Employment changed to Minister for Jobs and Small Business, following this reporting period on 20 December 2017.

The Migrant Workers' Taskforce met four times during 2016-17, announcing a number of key initiatives during this time, including:

- a new reporting protocol between DIBP and the FWO to ensure temporary visa holders can report exploitation without fear of their visa being cancelled
- development of a translated version of the FWO's online anonymous reporting tool to enable migrant workers to report workplace issues in their own language, and
- a joint Department of Employment and FWO research project looking at 'what works best' to effectively communicate workplace information to migrant workers.

The Migrant Workers' Taskforce will continue to develop policy options on a range of issues including labour hire practices, conditions for working holiday makers and international student visa holders, and improved access to justice and wage repayment.

Additional FWO funding



In 2016-17, the Government provided the FWO additional funding of \$20.1 million over four years to address the exploitation of vulnerable workers. The funding has enabled the FWO to increase direct engagement with vulnerable communities, and expand teams who work with vulnerable groups.

In 2016-17, the FWO invested further in establishing clear and evidence-based strategies for addressing migrant worker exploitation. The FWO's aim is to ensure the resolution of individual cases, while also deterring exploitative conduct and addressing systemic features that enable this conduct to arise. A key component of this work is to provide accessible tools and resources that enable migrant workers to understand and act on their rights. During 2016-17, the FWO enhanced in-language website content with a suite of translated videos, storyboards and updated topics. The FWO also launched the Record My Hours application in multiple languages, and began work on a translated version of its Anonymous Report service to facilitate migrant workers to raise concerns anonymously in their own language¹¹.

The FWO also worked with government agencies and civil society stakeholders to impede the drivers of exploitation and remove barriers to migrant workers coming forward to report their experiences of exploitation. The FWO achieved this through participation in forums such as the Migrant Workers' Taskforce, and administering the Community Engagement Grants Program. The Community Engagement Grants Program funds community organisations to deliver services and projects to assist vulnerable workers, supplementing the FWO's functions. The FWO also uses enforcement tools to deal with the minority of operators exploiting vulnerable workers. Nearly half (49 per cent) of the court cases initiated by the FWO in 2016-17 involved a visa holder.

Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017

In March 2017, the Government introduced legislation to strengthen protections for vulnerable workers. The Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017 amends the *Fair Work Act 2009* (Cth) to increase penalties for serious contraventions of prescribed workplace laws, make franchisors and holding companies responsible for underpayments in certain circumstances, and strengthen evidence gathering powers of the FWO.¹²

¹¹ The translated anonymous report form was released not long after this reporting period, on 17 July 2017.

¹² The Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017 received royal assent following this reporting period, on 14 September 2017.

Strengthened protections for private domestic workers



During 2016-17, DFAT continued work to strengthen protections for private domestic workers employed in the households of foreign diplomats and consular staff in Australia.

Ongoing initiatives include:

- briefings for the diplomatic and consular corps on expectations and obligations for fair treatment of private domestic workers
- new guidelines aimed at strengthening protections for vulnerable workers, and
- annual renewal of identity cards, which are issued on arrival to all domestic workers employed by diplomatic and consular officials. This provides an opportunity for an annual welfare check.

The Australian Government's Working Group on Protections for Private Domestic Workers Working for Diplomats or Consular Officials, established under the National Roundtable, completed its work program in the 2015-16 reporting period, by finalising awareness-raising materials to decrease the vulnerability of private domestic workers entering Australia to work in the households of foreign officials. Copies of public facing awareness-raising material are now available on the DFAT website.¹³

Implementing further protections for private domestic workers employed by foreign officials contributes towards implementation of the National Action Plan key focus area: increasing awareness raising and education for vulnerable groups, frontline responders and the general community.

¹³ <http://dfat.gov.au/about-us/publications/corporate/protocol-guidelines/Pages/protocol-guidelines.aspx>

Training frontline officials



During 2016-17, the Australian Government enhanced its training of frontline government officials in the AFP, DFAT and DIBP overseas Posts, the FWO, and in state and territory agencies.

DIBP launched an online training module on human trafficking for DIBP and ABF frontline staff. As at 30 June 2017, 1,208 DIBP and ABF staff had successfully completed the e-learning course. DIBP also produced a

human trafficking training package for DIBP overseas Posts and expanded specialist training on human trafficking and slavery for frontline ABF staff.

The AFP conducted two Human Trafficking Investigations Courses for AFP, DIBP, and state and territory law enforcement officers. The FWO also collaborated with Anti-Slavery Australia to develop a new refresher training package for all frontline staff on identifying potential instances of human trafficking and slavery.¹⁴

Additional training of frontline officials on human trafficking and slavery contributes towards implementation of the National Action Plan key focus area: increasing awareness raising and education for vulnerable groups, frontline responders and the general community.

¹⁴ The package became available for all operational staff to complete in late 2017.

Parliamentary inquiries



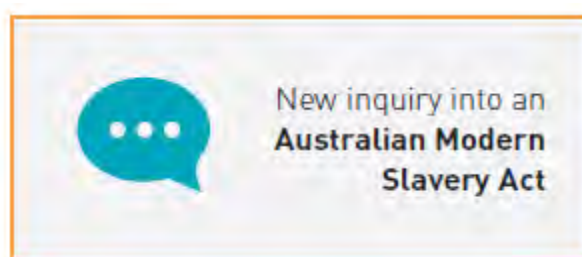
During 2016-17, the Australian Government actively participated in four parliamentary inquiries related to human trafficking and slavery.

On 12 October 2016, the Australian Parliament's Joint Committee on Law

Enforcement re-initiated an inquiry into human trafficking.¹⁵

On 9 November 2016, the New South Wales (NSW) Legislative Council Select Committee commenced an inquiry into human trafficking in NSW.¹⁶

On 15 February 2017, the then Attorney-General, Senator the Hon George Brandis QC, asked the Australian Parliament's Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) to inquire into and report on whether to establish a Modern Slavery Act in Australia.¹⁷



On 23 June 2017, the JSCFADT commenced an inquiry into Human Organ Trafficking and Organ Transplant Tourism.

The IDC made submissions and appeared before the committees to provide evidence. The submissions focused on Australia's whole-of-government domestic response to human trafficking and slavery, and international engagement.

Participation in parliamentary inquiries contributes towards implementation of all areas of focus under the National Action Plan.

¹⁵ The Joint Committee on Law Enforcement published its final report "An inquiry into human trafficking, slavery and slavery-like practices" following this reporting period, on 18 July 2017.

¹⁶ The NSW Legislative Council Select Committee published its final report "Human trafficking in New South Wales" following this reporting period, on 19 October 2017.

¹⁷ The JSCFADT published its final report "Hidden in Plain Sight: An inquiry into establishing a Modern Slavery Act in Australia" following this reporting period, in December 2017.

OFFENCES

Australia comprehensively criminalises human trafficking, slavery and slavery-like practices. The Australian Government regularly reviews all relevant legislation to ensure it adequately addresses the full cycle of human trafficking and slavery offences, and strengthens Australia's response under the National Action Plan on Human Trafficking and Slavery 2015-19.

HUMAN TRAFFICKING AND SLAVERY OFFENCES

Divisions 270 and 271 of the *Criminal Code* contain the offences relating to human trafficking, slavery and slavery-like practices.¹⁸ Division 270 of the *Criminal Code* criminalises slavery, which is defined as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised. Australia's slavery offences have universal jurisdiction, meaning they apply whether or not the conduct occurred in Australia, and whether or not the victim or the offender are Australian citizens or residents.

Division 270 also criminalises slavery-like practices, including servitude, forced labour, and deceptive recruiting. These offences can apply to the exploitation of a person's labour or services in any industry, or to exploitation within intimate relationships. Forced marriage is also considered a slavery-like practice under Division 270, and applies where one or both parties do not fully and freely consent to the marriage because of coercion, threat or deception, or where one or both parties is incapable of understanding the nature and effect of a marriage ceremony, including for reasons such as age or mental capacity (see below). The slavery-like offences in Division 270 have extended geographic jurisdiction, and can apply where the conduct occurred in Australia, or where the conduct occurred outside Australia but the offender was an Australian corporation, citizen or resident. None of the offences in Division 270 require the victim to be moved across country or within states.

¹⁸ The *Criminal Code* is available online at <www.legislation.gov.au>. The *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013* entered into force on 8 March 2013. Among other things, the Act amended the *Criminal Code* to broaden the existing offences of sexual servitude and deceptive recruiting for sexual services to apply irrespective of the industry of exploitation. The Act also introduced new offences of forced marriage and harbouring a victim and standalone offences of forced labour and organ trafficking, changing some of the section numbers of existing provisions. For this reason, where a *Criminal Code* provision is referenced in relation to a particular matter, the report specifies whether the section numbers referenced are as they appeared before or after the 2013 legislative amendments.

Division 271 of the *Criminal Code* contains specific offences for trafficking in persons, fulfilling Australia's obligations under the UN *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. These offences cover trafficking in all its forms, including trafficking in children, organ trafficking, harbouring a victim and debt bondage.

Table 1: Human trafficking and slavery Criminal Code offences (as at 30 June 2017)

Section	Offence	Maximum penalty
Slavery		
270.3(1)	Intentionally reduce a person to slavery, ¹⁹ possess or exercise rights of ownership over a slave, engage in slave trading, ²⁰ enter into a commercial transaction involving a slave, or exercise control or direction over, or provide finance for, slave trading or a commercial transaction involving a slave.	25 years.
270.3(2)	Recklessly enter into a commercial transaction involving a slave, or exercise control or direction over, or provide finance for, slave trading or a commercial transaction involving a slave.	17 years.
Servitude		
270.5(1)	Cause another person to enter into or remain in servitude. ²¹	15 years, or 20 years for an aggravated offence. ²²

¹⁹ 'Slavery' is defined in section 270.1 of the *Criminal Code* as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.

²⁰ 'Slave trading' is defined in subsection 270.3(3) of the *Criminal Code* as including the capture, transport or disposal of a person with the intention of reducing the person to slavery; or the purchase or sale of a slave.

²¹ 'Servitude' is defined in subsection 270.4(1) of the *Criminal Code* as the condition of a person (the victim) who provides labour or services, if, because of the use of coercion, threat or deception: a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services or to leave the place or area where he or she (the victim) provides labour or services; and the victim is significantly deprived of personal freedom in respect of aspects of his or her life other than the provision of the labour or services.

²² Under subsection 270.8(1) of the *Criminal Code*, a servitude, forced labour, deceptive recruiting or forced marriage offence is aggravated where: the victim is under 18; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

270.5(2)	Conduct a business ²³ involving the servitude of another person or persons.	15 years, or 20 years for an aggravated offence.
Forced Labour		
270.6A(1)	Cause another person to enter into or remain in forced labour. ²⁴	9 years, or 12 years for an aggravated offence.
270.6A(2)	Conduct a business involving the forced labour of another person or persons.	9 years, or 12 years for an aggravated offence.
Deceptive recruitment		
270.7	Intentionally induce another person to enter into an engagement to provide labour or services, where the other person is deceived ²⁵ about: the extent to which the person will be free to leave, or to cease providing labour or services; the quantum or existence of a debt owed or claimed to be owed; the fact the engagement will involve exploitation or the confiscation of travel or identity documents; or, if the engagement is to involve the provision of sexual services, ²⁶ that fact, or the nature of sexual services to be provided.	7 years, or 9 years for an aggravated offence.

²³ ‘Conducting a business’ is defined in section 270.1A of the *Criminal Code* to include taking any part in the management of the business; exercising control or direction over the business; or providing finance for the business.

²⁴ ‘Forced labour’ is defined in subsection 270.6(1) of the *Criminal Code* as the condition of a person (the victim) who provides labour or services if, because of the use of coercion, threat or deception, a reasonable person in the position of the victim would not consider himself or herself to be free to cease providing labour or services; or to leave the place or area where he or she (the victim) provides labour or services.

²⁵ ‘Deceive’ is defined in section 271.1 of the *Criminal Code* as to mislead as to fact (including the intention of any person) or as to law, by words or other conduct.

²⁶ ‘Sexual service’ is defined in the Dictionary to the *Criminal Code* as the use or display of the body of the person providing the service for the sexual gratification of others.

Forced Marriage		
270.7B(1)	Cause another person to enter into a forced marriage. ²⁷	7 years, or 9 years for an aggravated offence.
270.7B(2)	Be a party to a forced marriage, where you are not a victim of the forced marriage.	7 years, or 9 years for an aggravated offence.
Trafficking in persons		
271.2(1), (1A)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, using coercion, threat or deception ²⁸ to obtain that person's compliance.	12 years, or 20 years for an aggravated offence. ²⁹
271.2(1B), (1C)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, reckless as to whether the other person will be exploited. ³⁰	12 years, or 20 years for an aggravated offence.
271.2(2), (2A), (2B), (2C)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, deceiving the other person about: the provision, or nature of the provision, of sexual services; the extent to which the person will be free to leave, or to cease providing sexual services; the quantum or existence of a debt owed or claimed to be owed; or the fact	12 years, or 20 years for an aggravated offence.

²⁷ 'Forced marriage' is defined in subsection 270.7A(1) of the *Criminal Code* as a marriage where, because of the use of coercion, threat or deception, one party to the marriage (the victim) entered into the marriage without freely and fully consenting.

²⁸ 'Coercion' and 'threat' are defined in section 270.1A of the *Criminal Code*. Coercion is defined as including coercion by any of the following: force; duress; detention; psychological oppression; abuse of power; or taking advantage of a person's vulnerability. Threat means: a threat of coercion; or a threat to cause a person's deportation or removal from Australia; or a threat of any other detrimental action, unless there are reasonable grounds for the threat of that action in connection with the provision of labour or services by a person. Threat includes a threat made by any conduct, whether express or implied and whether conditional or unconditional.

²⁹ Under subsection 271.3(1) of the *Criminal Code*, a trafficking in persons offence is aggravated where: the offender intended for the victim to be exploited; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

³⁰ 'Exploitation' is defined in section 271.1A of the *Criminal Code* as conduct which causes the victim to enter into any of the following conditions: slavery, or a condition similar to slavery; servitude; forced labour; forced marriage; or debt bondage.

	the engagement will involve exploitation or the confiscation of travel or identity documents.	
271.4(1), (2)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of a person who is under 18, intending or reckless as to whether the person will be used to provide sexual services or will be otherwise exploited.	25 years.
271.5(1)	Organise or facilitate the transportation of a person from one place in Australia to another, using coercion, threat or deception to obtain that person's compliance.	12 years, or 20 years for an aggravated offence. ³¹
271.5(2)	Organise or facilitate the transportation of a person from one place in Australia to another, reckless as to whether the other person will be exploited.	12 years, or 20 years for an aggravated offence.
271.5(2A), (2B)	Organise or facilitate the transportation of a person from one place in Australia to another, deceiving the other person about: the provision, or nature of the provision, of sexual services; the extent to which the person will be free to leave, or to cease providing sexual services; the quantum or existence of a debt owed or claimed to be owed; or the fact the engagement will involve exploitation or the confiscation of travel or identity documents.	12 years, or 20 years for an aggravated offence.
271.7	Organise or facilitate the transportation of a person who is under 18 from one place in Australia to another, intending or reckless as to whether the person will be used to provide sexual services or will be otherwise exploited.	25 years.
271.7B(1), (2)	Organise or facilitate the entry, proposed entry, exit, proposed exit, or receipt of another person, reckless	12 years, or 20 years for an aggravated offence. ³³

³¹ Under subsection 271.6(1) of the *Criminal Code*, a domestic trafficking in persons offence is aggravated where: the offender intended for the victim to be exploited; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

³³ Under subsection 271.7C(1) of the *Criminal Code*, an organ trafficking offence is aggravated where: the victim is under 18; the offender intended for the victim's organ to be removed; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

	as to whether the other person's organ will be removed. ³²	
271.7D	Organise or facilitate the transportation of a person from one place in Australia to another, reckless as to whether the other person's organ will be removed.	12 years, or 20 years for an aggravated offence. ³⁴
271.7F(1)	Harbour, receive or conceal a victim, assisting or furthering the purpose of another person's human trafficking, slavery or slavery-like offence.	4 years, or 7 years for an aggravated offence. ³⁵
271.8	Intentionally cause another person to enter into debt bondage. ³⁶	4 years, or 7 years for an aggravated offence. ³⁷

³² Under section 271.7A of the *Criminal Code*, the removal of a person's organ is captured by the organ trafficking offence if: the removal, or entering into an agreement for the removal, would be contrary to the law of the state or territory where it is to be carried out; or neither the victim, nor the victim's guardian, consented to the removal, and it would not meet a medical or therapeutic need of the victim.

³⁴ Under subsection 271.7E(1) of the *Criminal Code*, a domestic organ trafficking offence is aggravated where: the victim is under 18; the offender intended for the victim's organ to be removed; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

³⁵ Under subsection 271.7G(1) of the *Criminal Code*, a harbouring a victim offence is aggravated where the victim is under 18.

³⁶ 'Debt bondage' is defined in the Dictionary to the *Criminal Code* as the status or condition that arises from a pledge by a person of his or her personal services, or of the personal services of another person under his or her control, as security for a debt owed, or claimed to be owed, (including any debt incurred, or claimed to be incurred, after the pledge is given), by that person if: the debt owed or claimed to be owed is manifestly excessive; or the reasonable value of those services is not applied toward the liquidation of the debt or purported debt; or the length and nature of those services are not respectively limited and defined.

³⁷ Under subsection 271.9(1) of the *Criminal Code*, a debt bondage offence is aggravated where: the victim is under 18; the offender subjected the victim to cruel, inhuman or degrading treatment; or the offender engaged in conduct that gave rise to a danger of death or serious harm to the victim or another person.

RELATED OFFENCES

Migration Act offences

The Migration Act contains criminal offences to deter the unlawful entry and exploitation of non-citizens in Australia, which supplement the offences of slavery and trafficking set out in Divisions 270 and 271 of the *Criminal Code*. Higher penalties apply if the worker is exploited and the offender knows of, or is reckless to, that exploitation.

A mandatory requirement of Australia's migration system is that a non-citizen must have a lawfully attained visa to enter and stay in Australia. Under the Migration Act it is an offence to:

- facilitate the unlawful entry and stay of non-citizens
- provide false and misleading information to support migration related applications
- allow to work, or refer for work, an unlawful non-citizen or a lawful non-citizen who is working in breach of a visa condition, and
- ask for, receive, offer or provide a benefit in return for a visa sponsorship or employment that requires a visa sponsorship.

Criminal offences under the Migration Act are supported by a separate regime of civil penalties, a legally binding sponsorship obligations framework and visa cancellation provisions.

Table 2: Related *Migration Act* offences (as at 30 June 2017)

Section	Offence	Maximum penalty
Migrant smuggling		
233A, 233D and 233E	Offence of people smuggling, supporting the offence of people smuggling, or concealing and harbouring a non-citizen.	10 years and/or 1000 penalty units ³⁸
233B and 233C	Aggravated offences of people smuggling – for danger of death or serious harm or where the offending involves at least 5 people.	20 years and/or 2000 penalty units

³⁸ From 1 July 2017, one penalty unit equates to \$210.

False documents and unsupported statements		
234(1), (2)	Provide false documents or false and misleading statements relating to non-citizens.	10 years and/or \$1000 penalty units
234A(1), (2)	Provide false documents or false and misleading statements relating to at least five non-citizens.	20 years and/or 2000 penalty units.
Work by non-citizens		
245AB, 245AC, 245AE and 245AEA	Allow to work, or refer for work, an unlawful non-citizen or a lawful non-citizen who is working in breach of a visa condition.	2 years
245AD and 245AEB	Aggravated offence – allow to work, or refer for work, an unlawful non-citizen or a lawful non-citizen who is working in breach of a visa condition.	5 years
245AR	Prohibition on asking for or receiving a benefit in return for the occurrence of a sponsorship related event.	2 years and/or 360 penalty units for individuals 1800 penalty units for body corporates.
245AT	Criminal liability of executive officers of bodies corporate.	360 penalty units.

Child sex offences

Australia comprehensively criminalises child sex offences both overseas and online. Child sexual offences online are located in Division 474 of the *Criminal Code*. These offences criminalise a range of conduct related to child abuse material, grooming and procuring persons under 16 to engage in sexual activity. Division 272 of the *Criminal Code* criminalises a range of conduct relating to child sexual exploitation overseas including travelling, or preparing to travel, to another country to sexually engage with children.

During 2016-17, the Australian Government passed the *Passports Legislation Amendment (Overseas Travel by Child Sex Offenders) Act 2017* which requires the denial of passports to an Australian citizen listed on a state or territory sex offender register for committing a Commonwealth child sex offence. These world-leading measures are an acknowledgement of the proactive role the Government can take to protect children outside their jurisdictions from offenders/would-be offenders who are their citizens.

Table 3: Related *Criminal Code* child sex offences (as at 30 June 2017)

Section	Offence	Maximum penalty
Child sex offences outside Australia		
272.8(1)	Offence of sexual intercourse with a child under 16 years old outside Australia.	20 years, or 25 years for an aggravated offence or persistent abuse.
272.8(2)	Offence of causing child to engage in sexual intercourse in the presence of the person outside Australia.	20 years, or 25 years for an aggravated offence or persistent abuse.
272.9(1)	Offence of engaging in sexual activity (other than sexual intercourse) with a child under 16 years old outside Australia.	15 years, or 25 years for an aggravated offence or persistent abuse.
272.9(2)	Offence of causing a child under 16 years old to engage in sexual activity in the presence of the person outside Australia.	15 years, or 25 years for an aggravated offence or persistent abuse.
272.11(1)	Committing the above offences in the presence of the defendant outside Australia on three or more separate occasions involving the same child.	25 years.

272.12(1)	Engaging in sexual intercourse with a young person who is 16 or 17 years old when in a position of trust or authority in relation to the young person outside Australia.	10 years.
272.12(2)	Engaging in conduct with a young person who is 16 or 17 years old when in a position of trust or authority in relation to the young person and that conduct causes the young person to engage in sexual intercourse in the presence of the person outside Australia.	10 years.
272.13(1)	Engaging in sexual activity (other than sexual intercourse) with a young person who is 16 or 17 years old when in a position of trust or authority in relation to the young person outside Australia.	7 years.
272.13(2)	Causing a young person who is 16 or 17 years old to engage in sexual activity (other than sexual intercourse) when in a position of trust or authority in relation to the young person in the presence of the person outside Australia.	7 years.
272.14(1)	Engaging in conduct with a child under 16 years old with the intention of procuring the child to engage in sexual activity outside Australia.	15 years.
272.15(1)	Grooming a child under 16 years old with the intention of making it easier to procure the child to engage in sexual activity outside Australia.	12 years.
272.18(1)	Engaging in conduct with the intention of benefiting from a child sex offence under Division 272 and the person's conduct could result in the person benefiting from the offence.	20 years.
272.19	Engaging in conduct with the intention of encouraging a child sex offence under Division 272	20 years.

	and the person's conduct could result in the encouragement of an offence.	
272.20	Preparing or planning an offence against sections 272.8, 272.9, 272.10, 272.11, 272.12, 272.13 or 272.18.	5-10 years (depending on the Subdivision).
Offences involving child pornography material or child abuse material outside Australia		
273.5(1)	Possessing or controlling, or producing, distributing or obtaining, or facilitating the production or distribution of child pornography material outside Australia.	15 years, or 25 years for an aggravated offence.
273.6(1)	Possessing or controlling, or producing, distributing or obtaining, or facilitating the production or distribution of child abuse material outside Australia.	15 years, or 25 years for an aggravated offence.
273.7(1)	Committing the above offences on three or more separate occasions and the commission of the offence involves two or more people.	25 years.
Offences relating to use of postal or similar service for child pornography material or child abuse material		
471.16(1)	Causing an article to be carried by a postal or similar service and the article is, or contains, child pornography material.	15 years/25 years for an aggravated offence.
471.16(2)	Requesting another person to cause an article to be carried by postal or similar service; and the article is, or contains, child pornography material.	15 years/25 years for an aggravated offence.
471.17(1)	Using a postal or similar service to possess, control produce, supply or obtain child pornography material with the intention that the material be used.	15 years/25 years for an aggravated offence.
471.19(1)	Causing child abuse material to be carried by a postal or similar service.	15 years/25 years for an aggravated offence.

471.19(2)	Requesting another person to cause child abuse material to be carried by a postal or similar service.	15 years/25 years for an aggravated offence.
471.20(1)	Using a postal or similar service to possess, control produce, supply or obtain child abuse material with the intention that the material be used.	15 years/25 years for an aggravated offence.
471.22(1)	Committing offences under s471.16, s471.17, s471.19, and, 471.20 on three or more separate occasions and involving two or more people.	25 years.
Offences relating to the use of postal or similar service involving sexual activity with person under 16		
471.24(1)	Causing an article to be carried by a postal or similar service to someone who is, or who the sender believes to be, under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with the sender (and the sender is at least 18).	15 years.
471.24(2)	Causing an article to be carried by a postal or similar service to someone who is, or who the sender believes to be, under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with another person who is at least 18.	15 years.
471.24(3)	Causing an article to be carried by a postal or similar service to someone who is, or who the sender believes to be, under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity (with another person who is at least 18) in the presence of the sender or another person over 18 years old.	15 years.
471.25(1)	Causing an article to be carried by a postal or similar service to someone who is, or who the sender believes to be, under 16 (the recipient) with the intention of making it easier to procure the recipient	12 years.

	to engage in sexual activity with the sender (and the sender is at least 18).	
471.25(2)	Causing an article to be carried by a postal or similar service to someone who is, or who the sender believes to be, under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with another person who is at least 18.	12 years.
471.25(3)	Causing an article to be carried by a postal or similar service to someone who is, or who the sender believes to be, under 16 (the recipient) with the intention of procuring the recipient to engage in sexual activity with another person (who is at least 18) in the presence of the sender or another person over 18 years old.	15 years.
471.26(1)	Causing material that is indecent to be carried by a postal or similar service to another person who is, or who the sender believes to be, under 16.	7 years.
Offences relating to the use of carriage service for child pornography material or child abuse material		
474.19(1)	Using a carriage service to access child pornography material; or cause child pornography material to be transmitted to oneself; or to transmit, make available, publish, distribute, advertise or promote child pornography material; or solicit child pornography material.	15 years/25 years for aggravated offence.
474.20(1)	Possessing, control of, producing, supplying or obtaining child pornography material with the intention that the material be used in committing an offence against section 474.19.	15 years/25 years for aggravated offence.
474.22(1)	Using a carriage service to access child abuse material; or cause child pornography material to be transmitted to oneself; or to transmit, make	15 years/25 years for aggravated offence.

	available, publish, distribute, advertise or promote child abuse material; or solicit child abuse material.	
474.23(1)	Possessing, control of, producing, supplying or obtaining child abuse material with the intention that the material be used in committing an offence against section 474.22.	15 years/25 years for aggravated offence.
474.24A(1)	Committing an offence under s474.19, 474.20, 474.22 or 474.23 on three or more separate occasions, and the commission of each such offence involves two or more people.	25 years.
474.25	Internet service providers or internet content hosts who are aware that their services can be used to access child pornography or child abuse material and do not refer details of the material to the Australian Federal Police within a reasonable time after becoming aware of the existence of the material.	100 penalty units.
Offences relating to use of carriage service involving sexual activity with, or causing harm to, person under 16		
474.25A	Using a carriage service to engage in sexual activity with a child under the age of 16, or to cause the child to engage in sexual activity with another person who is over the age of 18.	15 years.
474.25B(1)	Aggravated offence of committing an offence under 474.24A when the child has a mental impairment or when in a position of trust or authority in relation to the child, or if the child is under the supervision, case or authority of the person.	25 years.
474.25C	Using a carriage service to prepare or plan to cause harm to a person, engage in sexual activity with or procure a person under 16 years of age.	10 years.
474.26(1)	Using a carriage service to communicate with a child under the age of 16 with the intention of procuring the child to engage in sexual activity.	15 years.

474.26(2)	Using a carriage service to communicate with a child under the age of 16 with the intention of procuring the child to engage in sexual activity with another person over the age of 18.	15 years.
474.26(3)	Using a carriage service to communicate with a child under the age of 16 with the intention of procuring the child to engage in sexual activity with another person (who is over the age of 18) in the presence of the sender or another person who is at least 18 years of age.	15 years.
474.27(1)	Using a carriage service to communicate with a child under the age of 16 with the intention of making it easier to procure the child to engage in sexual activity with the sender.	12 years.
474.27(2)	Using a carriage service to communicate with a child under the age of 16 with the intention of making it easier to procure the child to engage in sexual activity with another person who is over the age of 18.	12 years.
474.27(3)	Using a carriage service to communicate with a child under the age of 16 with the intention of making it easier to procure the child to engage in sexual activity with another person (who is over the age of 18) in the presence of the sender or another person who is at least 18 years of age.	15 years.
474.27A(1)	Using a carriage service to transmit an indecent communication with a child under the age of 16.	7 years.

Anti-money laundering offences

Criminal networks profiting from human trafficking and slavery commonly employ money laundering techniques to conceal illicit profits made from these crimes. Australia has an effective regime to criminalise money laundering and for freezing, seizing, and confiscating proceeds of crime.

Division 400 of the *Criminal Code* criminalises dealing in proceeds of crime and dealing with property reasonably suspected to be proceeds of crime. The *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* (AML/CTF Act) provides the means to help detect and deter money laundering and terrorism financing. The Act regulates entities providing a 'designated service' for the purposes of the Act. This includes the financial, gambling, remittance and bullion sectors. Designated services include opening a bank account, issuing a stored value card, providing life insurance, issuing securities, or exchanging digital currency for money.

Together with the *Anti-Money Laundering and Counter-Terrorism Financing Rules Instrument 2007 (No.1)* and the *Financial Transaction Reports Act 1988*, the AML/CTF Act brings Australia into line with international best practice to deter money laundering and terrorism financing.

Table 4: Related anti-money laundering offences (as at 30 June 2017)

Section	Offence	Maximum penalty
<i>Criminal Code</i>		
400.3	Dealing in proceeds of crime etc. (money or property worth more than \$1,000,000 or more).	Imprisonment of 25 years, or 1500 penalty units, or both.
400.4	Dealing in proceeds of crime etc. (money or property worth more than \$100,000 or more).	Imprisonment of 20 years, or 1200 penalty units, or both.
400.5	Dealing in proceeds of crime etc. (money or property worth more than \$50,000 or more).	Imprisonment of 15 years, or 900 penalty units, or both.
400.6	Dealing in proceeds of crime etc. (money or property worth more than \$10,000 or more).	Imprisonment of 10 years, or 600 penalty units, or both.

400.7	Dealing in proceeds of crime etc. (money or property worth more than \$1,000 or more).	Imprisonment of 5 years, or 300 penalty units, or both.
400.8	Dealing in proceeds of crime etc. (money or property of any value).	Imprisonment of 12 months, or 60 penalty units, or both.
400.9	Dealing with property reasonably suspected of being proceeds of crime etc.	Imprisonment of 3 years, or 180 penalty units, or both.
<i>Anti-Money Laundering and Counter-Terrorism Financing Act 2006</i>		
35H	Unauthorised access to verification information.	300 penalty units.
35J	Obtaining access to verification information by false pretences.	300 penalty units.
35K	Unauthorised use or disclosure of verification information.	300 penalty units.
53(1)	Failing to report movement of physical currency into (subs (i)) or out of (subs (ii)) Australia, the total not being less than \$10,000.	Imprisonment for 2 years, or 500 penalty units, or both.
55(1)	Failing to report receipt of physical currency moved to the person from outside Australia, the total not being less than \$10,000, where report has not been made under s 53.	Imprisonment for 2 years, or 500 penalty units, or both.
59(3)	Breach of a requirement to make a report about a bearer negotiable instrument.	Imprisonment for 2 years, or 500 penalty units, or both.

61(3)	Interference, removal or defacement of an affixed notice under s 61.	50 penalty units.
62(3)	Failure to comply with requirement of s 62 notice given to travellers to Australia.	50 penalty units.
S 74(2)	Unregistered persons must not provide certain remittance services.	Imprisonment for 2 years, or 500 penalty units, or both.
74(4)	Unregistered persons must not provide certain remittance services – where AUSTRAC CEO previously gave direction, and this was the only such direction.	Imprisonment for 4 years, or 1,000 penalty units, or both.
74(6)	Unregistered persons must not provide certain remittance services – where AUSTRAC CEO previously gave direction, and this was not the only occasion such direction was given.	Imprisonment for 7 years, or 2,000 penalty units, or both.
74(8)	Unregistered persons must not provide certain remittance services – where the person has previously been convicted under subs 2, 4, 6; or an order made under s 19B of the <i>Crimes Act 1914</i> .	Imprisonment for 7 years, or 2,000 penalty units, or both.

121(2)	Entrusted public official commits an offence if (a) official has obtained AUSTRAC information (other than in Pt 11 Div 2); and (b) discloses information to another person.	Imprisonment for 2 years, or 120 penalty units, or both.
122(2)	Entrusted investigating official commits an offence if (a) obtained s 49 information; and (b) discloses information to another person.	Imprisonment for 2 years, or 120 penalty units, or both.
123(11)	Where the person is subject to a tipping off requirement under subs 1-3, 5A, 7AA, 7B or 8A and breaches that requirement ('Tipping Off').	Imprisonment for 2 years, or 120 penalty units, or both.
127(2)	Entrusted agency official commits offence if: (a) official has obtained accessed AUSTRAC information; and (b) discloses information to another person.	Imprisonment for 2 years, or 120 penalty units, or both.
128(7)	Person commits an offence if they have had AUSTRAC information disclosed to them under subs 3(a), and they disclose the information to another person.	Imprisonment for 2 years, or 120 penalty units, or both.
128(12)	Person commits offence if: they have had AUSTRAC information disclosed to them under subs 8, and they disclose information to another person.	Imprisonment for 2 years, or 120 penalty units, or both.
130(2)	Entrusted Commonwealth agency official commits offence if (a) official obtained accessed information; and (b) discloses the information to another person.	Imprisonment for 2 years, or 120 penalty units, or both.
132(6)	Person commits offence if they have had AUSTRAC information disclosed to them under subs 3, and they disclose information to another person.	Imprisonment for 2 years, or 120 penalty units, or both.

136	False or misleading information.	Imprisonment for 10 years, or 10,000 penalty units, or both.
137	Producing false or misleading documents.	Imprisonment for 10 years, or 10,000 penalty units, or both.
138(1)	Making a false document.	Imprisonment for 10 years, or 10,000 penalty units, or both.
138(3)	Possessing a false document.	Imprisonment for 10 years, or 10,000 penalty units, or both.
138(5)	Possessing equipment for making a false document.	Imprisonment for 10 years, or 10,000 penalty units, or both.
138(6)	Making equipment for making a false document.	Imprisonment for 10 years, or 10,000 penalty units, or both.
139(1)	Providing a designated service using a false customer name.	Imprisonment for 2 years, or 120 penalty units, or both.
139(3)	Providing a designated service on the basis of customer anonymity.	Imprisonment for 2 years, or 120 penalty units, or both.

140(1)	Receiving a designated service using a false customer name.	Imprisonment for 2 years, or 120 penalty units, or both.
140(3)	Receiving a designated service on the basis of customer anonymity.	Imprisonment for 2 years, or 120 penalty units, or both.
141	Customer fails to disclose they are commonly known by 2 or more different names to a reporting entity when they commence receiving a designated service.	Imprisonment for 2 years, or 120 penalty units, or both.
142	Conducting transactions so as to avoid reporting requirements relating to threshold transactions.	Imprisonment for 5 years, or 300 penalty units, or both.
143	Conducting transfers so as to avoid reporting requirements relating to cross-border movements of physical currency.	Imprisonment for 5 years, or 300 penalty units, or both.
146(3)	Person commits offence if (a) they have been issued with an identity card; and (b) the person ceases to be an authorised officer; and (c) the person does not, within 3 business days after so ceasing, return the identity card to the AUSTRAC CEO.	1 penalty unit.
149	Tampering or interfering with things secured in the exercise of monitoring powers.	Imprisonment for 6 months, or 30 penalty units, or both.
150(3)	Failure to answer questions or produce documents requested by an authorised officer with a monitoring warrant.	Imprisonment for 6 months, or 30 penalty units, or both.

158(2)	Failure to provide an authorised officer executing a monitoring warrant, and any person assisting that officer with all reasonable facilities and assistance for the effective exercise of their powers.	30 penalty units.
162(7)	Failure to comply with notice of AUSTRAC CEO to appoint auditor, and arrange for audit to be carried out, arrange for the auditor to give the reporting entity the audit report, and give the AUSTRAC CEO a copy of the audit report.	Imprisonment for 6 months, or 30 penalty units, or both.
165(3)	Failure to comply with requirement of written notice of AUSTRAC CEO requiring the reporting entity (a) carry out a ML/TF risk assessment; and (b) prepare a written report; and (c) give the AUSTRAC CEO a copy of the report.	Imprisonment for 6 months, or 30 penalty units, or both.
167(3)	Failure to an give authorised officer any such information; or produce any such documents; or make copies of such documents to provide to an authorised officer if they believe on reasonable grounds that the person is or has been a reporting entity; the person is or has been an officer, employee or agent of a reporting entity; the person's name is on or has been entered on the Remittance Sector Register; and the person has information or a document relevant to the Act, Regulations, or Rules.	Imprisonment for 6 months, or 30 penalty units, or both.
199(11)	Failure to comply with requirement under subs 1 (person leaving Australia) or subs 2 (person entering Australia) with respect to search powers in relation to physical currency.	Imprisonment for 1 year, or 60 penalty units, or both.

200(14)	Failure to comply with requirement under subs 1 (person leaving Australia) or subs 2 (person entering Australia) with respect to search powers in relation to bearer negotiable instruments.	Imprisonment for 1 year, or 60 penalty units, or both.
201(3)	Person resists, obstructs, or prevents the arrest of a person under s 201.	10 penalty units.
204	Breaching a notice requirement.	Imprisonment for 6 months, or 30 penalty units, or both.
207	Disclosing existence or nature of notice.	Imprisonment for 2 years, or 120 penalty units, or both.

STATE AND TERRITORY OFFENCES

Australian state and territory governments are responsible for regulating the sex industry in Australia. Most jurisdictions have enacted legislation relating to sexual servitude and deceptive recruiting which allow for the prosecution of cases involving sexual exploitation. However, in practice, state and territory police services generally refer human trafficking and slavery-related matters to the AFP.

All jurisdictions also have a range of offences to cover crimes that may be related to human trafficking and slavery, such as assault, sexual assault, forced prostitution, kidnapping and deprivation of liberty. State and territory offences may be used in conjunction with Commonwealth offences.

INVESTIGATION

Investigating suspected cases of human trafficking and slavery is a key priority for the Australian Government under the National Action Plan. Strong and effective investigation processes are vital to ensure that suspected victims are identified and perpetrators are brought to justice. Proactive investigations can also play a key role in disrupting criminal networks.

INTER-AGENCY COLLABORATION

Australian Federal Police

The AFP's primary role is to detect and investigate cases of human trafficking. AFP investigators work cooperatively with state and territory policing partners as well as with foreign law enforcement partners where there is a nexus, due to the often transnational nature of the crime. The AFP has dedicated Human Trafficking Teams in Sydney, Melbourne and Brisbane which include more than 21 dedicated investigators. Over 70 members trained in human trafficking investigations are also located across other AFP regional offices around Australia. The AFP's International Operations has over 103 positions located in 29 countries.

A National Coordination Team is located in AFP Headquarters, Canberra, to manage policy, training and strategic initiatives with stakeholders and assist with national and international coordination of operational activities relating to human trafficking and slavery.

The AFP supports the community sector and collaborates with non-government partners to prevent human trafficking and slavery. These activities include awareness raising initiatives across the Australian community and support to, and contact with, media outlets to promote public messaging on the issue.

Working with state and territory law enforcement

On 4 May 2011, the AFP and all state and territory police endorsed the *Australian Policing Strategy to Combat Trafficking in Persons*. In 2016-17, the AFP drafted a new agreement titled the *National Policing Protocol to Combat Human Trafficking, Slavery and Slavery-like Practices* (National Policing Protocol), in response to stakeholder feedback which suggested that interagency arrangements may now be better served by a business-as-usual protocol. The purpose of the National Policing Protocol is to provide the national framework for Australian police agencies to combat human trafficking and slavery in the future.

Department of Immigration and Border Protection/Australian Border Force

DIBP detects and refers suspected instances of human trafficking to the AFP. DIBP adopts a low threshold for referral of suspected cases to the AFP. DIBP also undertakes prevention activities and awareness raising on human trafficking indicators among clients, external stakeholders and staff. This is achieved through the work of Human Trafficking Contact Officers located in each state and territory onshore, and through DIBP officers at strategic Posts offshore.

DIBP also contributes to victim support and protection by administering the Human Trafficking Visa Framework. The framework enables unlawful non-citizens identified by the AFP as suspected victims of human trafficking and slavery to remain lawfully in Australia. Like Australian citizens and other valid visa holders who are suspected trafficked people, they are then able to access all types of support through the STPP, including during an investigation.

Fair Work Ombudsman

The FWO is responsible for enforcing compliance with Australian workplace laws and provides education, assistance and advice about Australia's workplace relations system.

The FWO regards migrant workers as particularly vulnerable to workplace exploitation. This may be due to difficulties they experience in understanding and securing their workplace entitlements because of age, language and cultural barriers, the remoteness of their working location and, in some cases, their concerns about preserving their visa status. For these reasons, the FWO's dedicated Overseas Workers Team has a strong focus on investigating allegations of serious non-compliance with workplace laws involving migrant workers, supported by the Young Workers and Regional Services Team.

Although human trafficking and slavery-related offences do not fall within the FWO's operational remit, the agency may identify these exploitative practices in the course of its work. The FWO has operational guidance, educational resources and training in place to ensure that frontline staff identify instances of potential human trafficking and slavery in the course of their work and appropriately refer these to the AFP for further investigation.

Taskforce Cadena

Taskforce Cadena is a joint agency initiative between the ABF and the FWO. The Taskforce continues to undertake a wide range of disruption and investigative activities across Australia, targeting high-risk industries such as agriculture, hospitality, entertainment, poultry, security and beauty services. The Taskforce identifies and disrupts labour hire syndicates and employers who are engaged in worker exploitation. The first successful Taskforce Cadena prosecution in December 2017 resulted in 12 charges being proven against an employer for multiple offences under the Migration Act and resulted in a \$100,000 fine. A successful court outcome was achieved following an extensive, large scale ABF investigation that commenced in late 2015.

In November 2017, Taskforce Cadena endorsed the formal inclusion of the AFP Human Trafficking Teams to participate in joint investigative activities and assist in the identification of suspected instances of human trafficking and slavery. Taskforce Cadena, in partnership with the AFP, executed five warrants (under section 3E of the Crimes Act) as part of ongoing ABF led investigations targeting industries operating from Koo Wee Rup (VIC), Woolgoolga (NSW), Pemberton (WA) and Bullsbrook (WA). These operations have resulted in briefs of evidence submitted to the CDPP to commence court proceedings.

In addition to criminal prosecutions, there were nineteen large scale operational disruption activities during 2016-2017 throughout Australia in locations including Springvale (VIC), Robinvale (VIC), Mildura (VIC), Irymple (VIC), Bowen (QLD), Gatton (QLD), Woolgoolga (NSW), Griffith (NSW), Koo Wee Rup (VIC), Pemberton (WA), Bullsbrook (WA), Manjimup (WA), Albany (WA) and Murray Bridge (SA).

These operations occurred under the provision of some 46 separately issued warrants resulting in three briefs of evidence being accepted by the CDPP, with the intention of pursuing criminal charges. Throughout the course of these investigations, the ABF issued in excess of 20 infringement notices under the Employee Sanctions Legislation, with the FWO also issuing additional infringements and compliance notices to employers.

The Taskforce is actively working in the offshore environment to target and disrupt the criminals that facilitate organised visa fraud and the exploitation of foreign workers before they reach the Australian border. While this work is in its infancy, the primary objective of this activity is to disrupt and dismantle higher level criminal facilitators at any early stage and reduce the incentive (primarily financial) for them to continue to operate as labour hire intermediaries in Australia. This collaboration represents the next iteration of Taskforce Cadena objectives.

The Taskforce has also undertaken investigations in conjunction with New Zealand counterparts to disrupt an illegal Malaysian labour hire network, which is likely targeting both New Zealand and Australia for illegal work purposes. In 2016-17, 29 persons of interest were identified transiting between Australia and New Zealand. These individuals are now the subject of movement alerts preventing entry into Australia.

Taskforce Cadena has identified significant criminal networks operating within Australia. Intelligence collected highlights the existence of transnational organised crime syndicates who are diversifying activities using illegal labour hire networks. Instances of links across the drug, tobacco and alcohol supply chain and money laundering activities have been identified. These investigations are ongoing.

Australian Criminal Intelligence Commission

In June 2016, the ACIC (formerly the Australian Crime Commission) commenced the Criminal Exploitation of Australia's Migration System (CEAMS) Special Operation with the aim of identifying, investigating and disrupting the involvement of serious organised crime groups in visa and migration fraud. The CEAMS Special Operation also delivers intelligence to support an enhanced understanding of vulnerabilities within the migration system and its impact on Australia, and to identify the legislative, regulatory or other vulnerabilities being exploited or circumvented and strengthen efforts to prevent ongoing exploitation. A priority area of this Special Operation includes serious organised crime involvement in human trafficking and slavery.

Department of Foreign Affairs and Trade

DFAT Consular Operations Branch works closely with other agencies (including state and territory police and AFP) to facilitate proactive interventions in actual and potential forced marriage cases. DFAT also engages the NGO community (for example, the Australian Red Cross) to contribute to community awareness.

DFAT has an information page on forced marriage on its Smartraveller website to promote increased public awareness of forced marriage laws and their extraterritorial application.³⁹ It includes general information about forced marriage, how to report it and support services for victims and potential victims. Support services include a SMS facility with a direct connection to DFAT's emergency call centre to help Australians at risk of forced marriage to communicate with DFAT's consular officials.

TRAINING FRONTLINE OFFICIALS

AFP

The AFP conducted two Human Trafficking Investigations Courses in February and June 2017; training 43 members from the AFP, DIBP and state and territory law enforcement agencies.

The Human Trafficking Investigations Course is designed to develop expertise in areas critical to the successful investigation of human trafficking, including legislation, investigative methodologies and victim liaison and support. Relevant government agencies and NGOs participated in delivery of the course.

In 2016-17, the AFP re-developed the "Look a Little Deeper" human trafficking awareness training designed for frontline officers, for launch in 2017-18.⁴⁰

DIBP/ABF

The ABF College runs introductory and specialised training courses periodically throughout the year. ABF recruits receive introductory training in identifying indicators of human trafficking and slavery. A total of 201 ABF recruits received this training during 2016-17, while 65 onshore ABF Compliance Field officers were provided with more specialised training in identifying human trafficking and slavery indicators and referral processes.

³⁹ <https://smartraveller.gov.au/guide/all-travellers/laws/Pages/forced-marriage.aspx>

⁴⁰ Victoria Police and the AFP commenced delivering this new training domestically and internationally following this reporting period, with the view to providing a completed package to state and territory counterparts in the future.

During 2016-17, DIBP produced a human trafficking training package which was distributed to DIBP overseas Posts in Africa, the Middle East, Asia and the western Pacific. The package was used to train DIBP staff working at Post, their visa service providers and external audiences such as host country authorities and regional partners. In addition, specialist briefings were provided to DIBP officers prior to their commencement of work at key Posts, including New Delhi, Manila, Seoul and Islamabad.

FWO

The FWO's National Technical Training for Fair Work Inspectors is mandatory upon commencement in the Inspector role. Since 2015, the training has contained information and guidance on the referral of matters which are outside the FWO's investigative jurisdiction, including referring suspected human trafficking and slavery to the AFP. The training sets out indicators of human trafficking and slavery and educates new Inspectors about appropriate referral processes.

The FWO also provides detailed operational guidance for all staff which sets out the AFP's indicators of human trafficking and slavery, along with processes for handling suspected instances of human trafficking and slavery.

In 2016-17, the FWO also collaborated with Anti-Slavery Australia to develop a new refresher training package for all frontline staff, to further ensure that staff identify and respond to potential instances of human trafficking and slavery.⁴¹

DFAT

All DFAT officers who are posted overseas are required to report any information relating to the possible or attempted commission of serious extraterritorial offences under Australian law, including human trafficking and slavery. This ensures that, where appropriate, such matters are referred to Australian law enforcement authorities. Prior to being posted, diplomatic and consular officials receive training on the management and referral of consular cases involving extraterritorial offences including forced marriage.

⁴¹ The package became available for all operational staff to complete in late 2017.

REFERRALS

AFP referrals

The AFP receives referrals of suspected instances of human trafficking and slavery. Referrals may be initiated by the AFP, other Government agencies, such as DIBP and the FWO, NGOs, or any member of the public.

Between 2004 and 30 June 2017, the AFP received 841 referrals relating to human trafficking and slavery. During 2016-17, the AFP received 150 separate referrals for suspected instances of human trafficking and slavery. The majority of referrals in 2016-17 were related to forced marriage, sexual exploitation and labour exploitation. On initial assessment of the information, the AFP continued to further investigate 89 of the 150 referrals. Of the 61 matters that did not proceed to investigation, 41 contained insufficient information to proceed or no criminal offence was identified; in five of the matters, the victim withdrew their complaint prior to any investigation taking place; 10 related to matters not identified as a human trafficking or slavery matter; and five matters were referred to another agency.

Between 8 March 2013, when the *Criminal Code* forced marriage offences entered into force, and 30 June 2017, the AFP received 186 referrals relating to forced marriage. Seventy of these referrals occurred in 2016-17.

The table below provides a breakdown of referrals received by the AFP by type of exploitation and a comparison with recent years.

Table 5: Referrals to AFP by financial year and type of exploitation

Offence	2013-14 FY	2014-15 FY	2015-16 FY	2016-17 FY
Forced marriage	11	33	69	70
Sexual exploitation	31	34	39	20
Labour exploitation	22	33	36	38
Child trafficking	2	11	10	6
Trafficking	2	4	13	10
Other*	2	4	2	6
Total	70	119	169	150

*Other includes debt bondage, harbouring a victim, and/or deceptive recruiting.

The table below provides a state by state breakdown of referrals received by the AFP for assessment and potentially further investigation in 2016-17.

Table 6: Referrals to AFP for 2016-17, by state where victim was identified and type of exploitation

Offence	NSW	VIC	SA	WA	QLD	ACT	NT	TAS	OFFSHORE	TOTAL
Forced marriage	37	10	8	3	1	0	0	0	11	70
Sexual exploitation	9	7	0	0	3	0	1	0	0	20
Labour exploitation	16	8	4	4	4	1	0	1	0	38
Child trafficking	5	0	0	1	0	0	0	0	0	6
Trafficking	3	3	0	1	2	0	0	0	1	10
Other*	4	1	0	0	1	0	0	0	0	6
Total	74	29	12	9	11	1	1	1	12	150

**Other includes debt bondage, harbouring a victim, and/or deceptive recruiting.*

DIBP-AFP Referral Protocol

The AFP and DIBP have established a Human Trafficking Referral Protocol. The purpose of the Human Trafficking Referral Protocol is to provide clear, agreed processes and timeframes for actions by both agencies when ABF officers identify suspected human trafficking and slavery and refer this information to AFP for further investigation.

In 2016-17, DIBP and AFP commenced work revising the Human Trafficking Referral Protocol. The revision is focused on supporting effective referrals of criminal allegations and those that involve the sharing of unsubstantiated information.

The AFP maintains a list of Human Trafficking indicators which was revised during 2016-17 with the assistance of the IDC and NGOs. The list aims to encourage a common understanding across front line agencies on potential trafficking circumstances.

DIBP Referrals

DIBP adopts a low threshold for referral of suspected cases of human trafficking and slavery to the AFP. In 2016-17, the DIBP referred 48 suspected cases of human trafficking to the AFP. The tables below provide a breakdown of DIBP's human trafficking and slavery-related referrals to the AFP by type of exploitation and by state and territory.

Table 7: DIBP Referrals to AFP for 2016-17, by type of exploitation

Child trafficking	Domestic servitude	Exit trafficking	Forced labour/ Servitude	Forced marriage	Sexual servitude
4	5	1	13	9	16

Table 8: DIBP Referrals to AFP for 2016-17, by DIBP Office Location

NSW	VIC	QLD	ACT	SA	WA	NT	TAS	Posts (Islamabad and Shanghai)
10	19	7	-	3	5	2	-	2

OPERATIONS

The AFP progressed and assisted with several human trafficking and slavery-related matters during 2016-17. These matters relate to alleged offences under Divisions 270 and 271 of the *Criminal Code* and other Commonwealth offences and/or state and territory legislation.

Operation ASHLAND

In 2015, the AFP commenced an investigation of an alleged forced marriage where the victim, a 23 year old Iranian man, was forced to marry a 15 year old girl in Melbourne, Victoria. The alleged offender is the father of the 15 year old girl. The marriage was allegedly forced through the use of coercion and threatened violence against the victim and his family. In October 2016, the alleged offender was charged with one count of causing a forced marriage. As at 30 June 2017, the matter remained before the courts in Victoria with a trial date set for June 2018.

Operation CUPOLA

In 2015, the AFP commenced an investigation into the alleged systemic exploitation of a foreign national brought to Melbourne in 2007 to perform domestic labour. During 2016-17, the two alleged offenders were charged with slavery and related offences under the Migration Act. As at 30 June 2017, the matter remained before the courts.

Operation PUCE

In 2007, during a compliance operation at a brothel in Strathfield, NSW by DIBP (then the Department of Immigration and Citizenship), the AFP commenced an investigation into allegations that a female was responsible for debt bondage in respect to two sex workers. Following an extensive investigation, in December 2012, an arrest warrant for the offender was issued on two charges of slavery. In June 2017, the offender returned to Australia and was subsequently arrested. As at 30 June 2017, the matter remained before the courts.

Trafficking (Exit) Offence

On 1 August 2016, an Australian male was charged in relation to trafficking a person from Australia. The Australian male allegedly deceived his then wife to travel to India with him. On arrival into the country, the victim was allegedly subsequently abandoned and her travel documents confiscated by her husband. The male was charged with using deception to facilitate the exit of the victim from Australia. As at 30 June 2017, the matter remained before the courts.

Operation AMSTEL

Operation AMSTEL is an AFP investigation into the activities of a Malaysian-born female (the accused) who is alleged to have recruited Malaysian workers to work in fruit farms around the Woolgoolga area of northern NSW. The investigation identified systematic exploitation of workers' wages and conditions and visa violations. On 23 August 2016, the AFP and ABF undertook resolution activity on properties associated with the accused. A total of 35 workers were identified who claimed to work for the accused. All of the workers were screened for indicators of human trafficking and slavery and none were found to be victims. The accused was subsequently charged with numerous offences under the Migration Act including referring a non-citizen for work in breach of a visa condition; referring an unlawful non-citizen to work; allowing an unlawful non-citizen to work; allowing a non-citizen to work in breach of a visa condition; and concealing and harbouring a non-citizen. As at 30 June 2017, the matter remained before the courts.

Operation BERNOULLI

Commencing in 2015, Operation BERNOULLI related to the alleged enslavement and trafficking of a female Indian national for a period of 7 weeks, in Pakenham, Victoria, by her Australian husband after an arranged marriage. The woman was allegedly required to cook, clean and provide sex on demand and was unable to leave the house until she escaped in fear of her life. As the alleged offending commenced on the day she arrived in Australia, a charge in relation to the trafficking of a person was also laid against the principle offender. As at 30 June 2017, the matter remained before the courts.

Operation LARKALL

Operation LARKALL related to the alleged forced labour of two Indian nationals who were a married couple, by an Australian-based Indian restaurant owner in regional Victoria. The two victims worked for the accused for approximately 18 months and received no pay. In September 2016, the Federal Circuit Court imposed a penalty of more than \$50,000 against the accused, following an investigation and legal action by the FWO involving these victims. As at 30 June 2017, the matter of alleged forced labour remained before the courts.⁴²

Operation ARC

In August 2015, the AFP commenced an investigation into 58 identified foreign nationals believed to be working in forced labour conditions in Brisbane. In February 2017, two offenders entered guilty pleas to the offence of servitude. On 16 February 2017, a third offender entered guilty pleas to the offence of supporting a criminal organisation, and dealing in proceeds of crime worth \$50,000 or more. A fourth offender similarly entered guilty pleas to dealing in proceeds of crime.

Forced Marriage – Dandenong, Victoria

In October 2016, Victorian Police commenced an investigation into allegations a 14 year old girl was forced to marry a 35 year old man, in Dandenong, Victoria. Two suspects, the man who performed the marriage and the husband - were charged with a number of Commonwealth and state offences. The man who performed the marriage was convicted of solemnising the marriage and the husband was convicted of marrying a person not of marital age. Charges of marrying a person not of marriageable age, and causing another person to enter into marriage, were withdrawn against the man who conducted the ceremony. One charge against the husband, of sexual penetration of a child under 16 years, was subsequently withdrawn.

Domestic Servitude – Brisbane, Queensland

On 9 August 2016, the AFP received a NGO referral in relation to the alleged slavery of a Fijian national. It was alleged that the 42 year old female victim was subjected to an eight-year period of domestic servitude after being brought to Australia from Fiji. Two alleged offenders were subsequently charged with trafficking in persons, causing a person to enter into or remain in servitude, and allowing an unlawful non-citizen to work. As at 30 June 2017, the matter remained before the courts.

⁴² Following this reporting period, in July 2017, the accused was charged with causing forced labour and operating a business using forced labour.

Operation KORNATI

In May 2017, Operation Kornati commenced following a DFAT request for assistance in identifying the location of a 16 year old female from New South Wales. The 16 year old was reported missing to NSW Police after travelling to the United States of America (US) without her parent's knowledge. Early triage of information revealed indicators of grooming and/or trafficking. The AFP commenced engagement with relevant US partner agencies. As a result of joint investigative activities the 16 year old female was located and the male offender apprehended in the state of New York. The offender has since been charged with a number of US based offences including interstate transportation of a minor to engage in a sex act. As at 30 June 2017, the matter remained before the courts in the US.

CRIMINAL METHODOLOGY

In Australia, human trafficking and slavery matters have largely involved individuals, families and small crime groups, rather than large organised criminal elements. Facilitators have also played a decisive role in recruiting, arranging travel, transporting, handling, and monitoring victims. Facilitators have included onshore labour suppliers, migration agents and minders, as well as offshore family or business contacts, migration brokers, education agents and corrupt officials.

Human trafficking and slavery matters have also generally involved other crime types, including migration fraud, identity fraud, document fraud and money laundering. Traditionally, the majority of human trafficking and slavery matters investigated in Australia have related to women subjected to sexual exploitation. However, statistics indicate that in recent years there has been a significant increase in the number of referrals and investigations relating to other forms of labour exploitation, and most recently, relating to forced marriage. The number of trafficked people identified by Australian authorities as exploited in a range of non-sex industry sectors (including construction, agriculture, hospitality and domestic service) is now comparable with those subjected to sexual exploitation.

Referrals to the AFP in relation to forced marriage continued to increase during 2016-17. During 2016-17, the AFP received 70 referrals relating to forced marriage. The often close personal relationships between victims of forced marriage and those alleged to have arranged the forced marriage generate significant challenges for victims to approach police and report the crime. As such, this requires a considered and informed investigative response that focuses on the safety and security of the victim.

The forced marriage referrals received to date have primarily involved Australian citizens under the age of 18, with relatives alleged to have organised, or to be organising, a marriage for them in Australia or overseas without their full and free consent. Since the introduction of forced marriage legislation in March 2013, this crime type has risen to represent 47 per cent of all AFP human trafficking and slavery-related referrals in 2016-17. While there is currently insufficient information available to determine whether this crime type has increased in prevalence, or whether a greater awareness has led to increased reporting, it is anticipated that matters relating to forced marriage will continue to increase in the medium term given the legislative changes and greater community engagement.

CHALLENGES

Investigations into human trafficking and slavery cases can be complex and long-running and require close collaboration with foreign governments. Key challenges for Australian Government investigative agencies include difficulties progressing cases where key witnesses or offenders are overseas. This is particularly the case in situations where a person is removed from Australia to be forcibly married overseas. During 2016-17, the AFP received 11 referrals for cases of suspected forced marriage where the victim was taken overseas in order for the marriage to occur.

A further challenge for law enforcement agencies is ensuring suspected cases are appropriately identified and referred between agencies. To address this issue the AFP works closely with state and territory police as well as other government agencies including DIBP/ABF and the FWO (see page 68 for agency referral pathways). More generally, investigations into human trafficking and slavery cases often require international cooperation and assistance, including through international extradition and mutual legal assistance processes. In 2016-17, there was one active mutual legal assistance request relating to human trafficking and slavery.

PROSECUTION AND CONVICTION

Australia's National Action Plan to Combat Human Trafficking and Slavery 2015-19 includes key objectives relating to the prosecution and conviction of individuals involved in human trafficking and slavery-related criminal activities. This aspect of Australia's response involves the creation and regular review of a strong suite of civil and criminal sanctions for offenders, and the promotion of access to justice for trafficked people. Prosecution of offenders plays an integral role in establishing and maintaining a fair, safe, and just society.

PROSECUTIONS

CDPP

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent, national prosecuting service established by the Australian Parliament to prosecute offences against Commonwealth law. The CDPP has no investigative function, and matters are referred to the CDPP from the AFP and other investigative agencies. Decisions about whether to proceed with all prosecutions, including for human trafficking or slavery-related prosecutions, are guided by the *Prosecution Policy of the Commonwealth*. The CDPP must be satisfied that:

- there are reasonable prospects of a conviction being secured, and
- the prosecution would be in the public interest.

In making the decision whether to prosecute, the prosecutor must evaluate how strong the case is likely to be when presented in court. This evaluation continues at each phase of the trial process. The decision can only be made based on admissible evidence. Not all information gathered during the course of the investigation will necessarily be admissible. The evaluation must take into account matters such as the availability, competence and credibility of witnesses, and the admissibility of any alleged confession or other evidence. The prosecutor should also have regard to any lines of defence open to the defendant and any other factors that could affect the likelihood of a conviction. In human trafficking and slavery-related offences, the suspected victim is often the key prosecution witness. As a result, the willingness of the suspected victim to participate in the criminal justice process can be crucial for a prosecution to succeed. Corroborative evidence is frequently necessary to meet the high standard of proof in criminal proceedings.

The CDPP regularly liaises nationally and regionally with a variety of agencies involved in the criminal justice response to human trafficking, including AFP, state and territory police and the ABF. This has included delivering training at the AFP Human Trafficking Investigations Course.

Engagement with AGD is also a significant part of the CDPP's contribution in the areas of law reform, including through active participation in the Labour Exploitation Working Group and OWG.

The CDPP is also involved in training and assistance in the international sphere on human trafficking, vulnerable witness protections and witness assistance. During 2016-17, this included providing prosecution training on human trafficking to Malaysian prosecutors; delivering various training modules through the Sri Lanka Police and Prosecutor Pairing Program; providing the CDPP's victims of crime policy to the Pacific Islands Law Officer's Network to assist in the development of vulnerable witness protections; providing information to the Bali Process on financial investigations in trafficking in persons cases; providing a human trafficking case study to a UN International Migration Agency technical workshop in Beijing, and providing assistance and information to prosecutors in Japan and New Zealand.

Statistics on human trafficking and slavery prosecutions

A total of 13 human trafficking and slavery prosecutions were before the courts in 2016-17. Six of these prosecutions commenced in 2016-17 and seven commenced in previous reporting periods. A case study of a prosecution during 2016-17 is at page 86.

Table 9: Prosecutions before the courts in 2016-17

Prosecutions	FY16-17
Total prosecutions commenced	6
Males prosecuted	6
Females prosecuted	0
Total prosecutions ongoing (commenced prior to 1 July 2016)	7
Males prosecuted	4
Females prosecuted	3
TOTAL PROSECUTIONS IN 2016-17	13

WITNESSES AND VICTIMS

CDPP

Witnesses and victims of human trafficking and slavery are assisted during the prosecution process through the CDPP Witness Assistance Service. The Witness Assistance Service ensures that victims are kept informed during the prosecution and are made aware of the protections available to vulnerable witnesses under the Commonwealth Crimes Act.

During 2016-17, the Witness Assistance Service provided assistance to six victims in five separate matters. The CDPP Victims of Crime Policy recognises the important role of victims in the prosecution process and the need to treat victims of crime with courtesy, compassion, cultural sensitivity and respect for their dignity and entitlements. In addition, CDPP Witness Assistance Service Referral Guidelines ensure victims of trafficking and slavery-like offences, including forced marriage, are referred quickly to the Witness Assistance Service as a priority, within 21 days of investigators referring the case to the CDPP.

The Witness Assistance Service has been involved with the STPP since 2009, liaising with caseworkers in relation to matters being prosecuted by the CDPP and providing training to Red Cross staff involved in the program. Many matters involve ongoing liaison, with over 800 instances of contact occurring between the Witness Assistance Service and staff of the STPP since 2009. The Witness Assistance Service continues to provide training to prosecutors, investigators, agencies and international visitors involved with child and adult vulnerable witnesses.

AFP

The AFP plays a key role in providing support and advice to suspected victims of human trafficking, including to those whose matters are investigated but do not proceed to prosecution. For those matters which proceed to court, AFP investigators, in collaboration with CDPP, continue to provide timely advice and support to victims and witnesses as the matter proceeds.

During 2016-17, the AFP referred 39 suspected victims of human trafficking and slavery to the STPP. The AFP is the sole agency that can refer victims to the STPP. Further information on the STPP is at page 89.

Vulnerable witness protections

A major impediment to successfully prosecuting human trafficking and slavery-related offences is the reluctance of suspected victims and witnesses to give evidence, particularly as they or their families may have been subjected to, or threatened with, acts of violence.

Vulnerable witness measures and testimonial aids are intended to ensure victims are in a position to present their best possible testimony to the court, by minimising the risk of intimidation, additional trauma, fear for personal safety, and undue public embarrassment. If a witness is unable to give their best testimony, or is reluctant to give evidence at all, this may adversely affect the outcome of a trial.

The Crimes Act provides a range of protections for vulnerable witnesses giving evidence in Commonwealth criminal proceedings, including victims of human trafficking and slavery. These protections allow trafficked people to give evidence by closed-circuit television or video recording, have their contact with the defendant or members of the public limited, and have a support person with them while they give evidence. Under Division 279 of the *Criminal Code*, trafficked people are also able to provide evidence by video link. The vulnerable witness protections in the Crimes Act make it an offence to publish material identifying a trafficked person, and allow trafficked people to make victim impact statements to the court outlining the harm they have experienced.

As at 30 June 2017, there were two Bills before Parliament which, among other things, seek to strengthen the vulnerable witness protections in the Crimes Act. The Crimes Legislation Amendment (Powers, Offences and Other Measures) Bill 2017 seeks to make minor amendments to the non-publication offence in section 15YR of the Crimes Act. This will require applicants seeking leave from the court to publish material that may identify a vulnerable witness or complainant to take reasonable steps to notify all relevant parties to the original proceeding at least three days prior to that application being heard. This will ensure the interests of all parties, including the vulnerable person, will be taken into account when applications are considered.

The Crimes Legislation Amendment (International Crime Cooperation and Other Measures) Bill 2016 seeks to make minor amendments to the Crimes Act to clarify the scope and application of the protections afforded to vulnerable witnesses and complainants giving evidence in Commonwealth criminal proceedings.

During the 2016-17 reporting period, law reform work was progressed in relation to additional vulnerable witness protection measures. This work involves removing the requirement to seek leave from the court for the use of pre-recorded interviews and prevent children and other vulnerable witnesses from being cross-examined at a committal proceeding.⁴³

⁴³ These amendments were introduced to Parliament following this reporting period, on 13 September 2017, as part of the Crimes Legislation Amendment (Sexual Crimes Against Children and Community Protection Measures) Bill 2017.

CONVICTIONS

Statistics

From the criminalisation of human trafficking and slavery in 2004 until 30 June 2017, 20 people have been convicted for human trafficking and slavery offences. The table below summarises the matters.

Table 10: Convictions from 2004 to 30 June 2017, by offence

Convictions by <i>Criminal Code</i> provision	270.3(1) Slavery	270.5(1) Servitude	Previously 270.6(2) Sexual servitude*	271.2(1B) Trafficking in persons	271.2(2B) Trafficking in persons	271.4(1) Trafficking in children
DOBIE, Keith						
DS						
HO, Ho Kam						
HO, Kam Tin						
K						
KOVACS, Melita						
KOVACS, Zoltan						
LEECH, Sarisa						
McIVOR, Trevor						
NANTAHKHUM, Watcharaporn						
NETTHIP, Namthip						
SIEDERS, Johan						
TANG, Wei						
TANUCHIT, Kanokporn						
TRIVEDI, Diveye						
WONG, Chee Mei						
YOTCHOMCHIN (KENT), Somsri						
McINTOSH (a pseudonym)						
HUANG, Yu-Hao						
CHEN, Bo-Syun						

**In 2013, amendments to the Criminal Code broadened the existing offence of sexual servitude to apply to servitude in all industries.*

Table 11: Convictions from 2004 to 30 June 2017, by operation and State/Territory

Convictions by <i>Criminal Code</i> provision, 2004-17	Operation Name	State / Territory
DOBIE, Keith	Op Tancred 2008	Qld
DS	Op Tennessee 2003	Vic
HO, Ho Kam	Op Asperity 2003	Vic
HO, Kam Tin		Vic
K	Op Blenn 2011	Qld (Qld DPP)
KOVACS, Melita	P3379532 2003	Qld
KOVACS, Zolta n		Qld
LEECH, Sarisa	Op Asperity 2003	Vic
McIVOR, Trevor	Op Seaboard 2006	NSW
NANTAHKHUM, Watcharaporn	Op Danum 2007	ACT
NETTHIP, Namthip	Op Cornsilk 2007	NSW
SEIDERS, Johan	Op Turquoise 2004	NSW
TANG, Wei	Op Tennessee 2003	Vic
TANUCHIT, Kankporn	Op Seaboard 2006	NSW
TRIVEDI, Divye	Promis 3876313	NSW
WONG, Chee Mei	Op Burlywood 2008	NSW
YOTCHOMCHIN (KENT), Somsri	Op Turquoise 2003	NSW
McINTOSH (a pseudonym)	Op Aqueous 2015	Vic
HUANG, Yu-Hao	Op Arc 2017	Qld
CHEN, Bo-Syun		Qld

CASE STUDY

Operation Arc – Huang and Chen

Four Taiwanese nationals were prosecuted and sentenced in connection with two fraudulent call centres which were set up in suburbs of Brisbane to defraud residents of the People's Republic of China. The CDPP prosecution of Yu-Hao Huang and Bo-Syun Chen was the first prosecution and sentence for an offence of 'causing a person to enter into or remain in servitude' (under Division 270.5(1) of the *Criminal Code*), since that offence was broadened in 2013. The prosecution of Wu-Nan Chen was the first prosecution and sentence for the offence of supporting a criminal organisation.

Yu-Hao Huang and Bo-Syun Chen were each indicted on one count of 'causing a person to enter into or remain in servitude'. The servitude offences related to the victim, a Taiwanese national who had agreed to travel to Australia to work in a 'fraud call centre'. His passport and mobile phone had been taken from him and he believed that all the doors to the house were locked. He was also concerned that, if he escaped, there would be repercussions for his family in Taiwan, as the criminal organisation had information that could identify members of his family still living in Taiwan. The offending was detected after the victim escaped the house in which he was being kept and was picked up by a motorist and taken to the local police station. When police executed search warrants they identified a combined total of 49 workers at the two houses.

The victim identified Yu-Hao Huang as the 'boss' or 'leader' of the house. He was the only person in the house to have his own room. Huang was responsible for enforcing the rules of the house and maintaining order and discipline within the house. The victim and the other workers in the houses were required to work seven days per week, from approximately 7:40am to 4:45pm, with a break for lunch. In the evenings, from 4:45pm to 9:30pm, they were required to learn a 'script' to be used when answering calls, and to train in the commission of the fraud. There were other strict rules including when they could shower, eat and sleep.

On 8 February 2017, Yu-Hao Huang was sentenced to three years imprisonment for the servitude offence, to be released on recognizance after having served 548 days imprisonment.

The victim identified Bo-Syun Chen as being the 'second in charge' of the house. He was in charge when Huang was not present at the house. He was also in charge of the workers who slept in the victim's bedroom. On 8 February 2017, Bo-Syun Chen was sentenced to two years and six months imprisonment for the servitude offence, to be released on recognizance after having served 541 days imprisonment.

A third person, Wu-Nan Chan, was sentenced to 3 years and 3 months imprisonment with a non-parole period of 519 days imprisonment for one count of 'supporting a criminal organisation' and one count of 'dealing in proceeds of crime worth \$50,000 or more'. This related to Chan receiving \$93,069 into his bank account, from which used approximately \$68,000 to pay for various expenses associated with operating the two houses and transporting workers from the airport to the houses on four or five occasions.

A fourth person, Sheng-Jiun Huang, was indicted on one count of 'negligently dealing in proceeds of crime worth \$100,000 or more' and one count of 'recklessly dealing in proceeds of crime worth \$100,000 or more'. Between March and August 2015, Huang received into his bank account \$312,856.35 in seven transfers from an account in Taiwan. With respect to the first three transfers (total \$131,358), Huang was negligent as to the risk that the money would be used as an instrument of crime, and with respect the other four transfers (total \$181,497), Huang was reckless as to that risk. Huang paid \$58,500 in rent and bond for one of the houses, and made a series of cash withdrawals totalling \$220,000, most of which he gave to another individual who used the money to make payments and purchases relating to the operation of the two houses. Huang was sentenced to 2 years and 6 months imprisonment, to be released on recognizance after having served 436 days imprisonment.

SUPPORT AND ASSISTANCE

A key priority for Australia's National Action Plan is assisting and empowering individuals who have experienced human trafficking by providing appropriate, victim-centred support services and options for trafficked people to develop options for a new life.

SUPPORT FOR TRAFFICKED PEOPLE PROGRAM

Australia provides a comprehensive range of support services for trafficked people through the STPP. Trafficked people may be identified through a number of avenues, including immigration officials, law enforcement agencies, NGOs, hospitals, medical practitioners, consulates, schools, and government agencies.

Once identified, trafficked people are referred to the AFP for assessment and, where appropriate, entry to the STPP. Eligibility for the STPP is determined by the AFP and is based on whether a person can reasonably be suspected to be, or have been, a victim of a human trafficking or a slavery-related offence. The person must also be an Australian citizen, or hold a valid visa. The person's visa status may be regularised through the Human Trafficking Visa Framework (see page 100).

To date, most trafficked people identified in Australia have been women working in the sex industry, from both legal and illegal brothels. However, in recent years, Australian authorities have identified an increasing number of men and women trafficked into, or exploited within, other industries, or exploited within intimate relationships. This was reflected in referrals to the STPP in 2016-17, where the majority of new clients experienced exploitation other than in the sex industry, with a particular increase in the number of referrals for forced marriage in comparison to previous years.

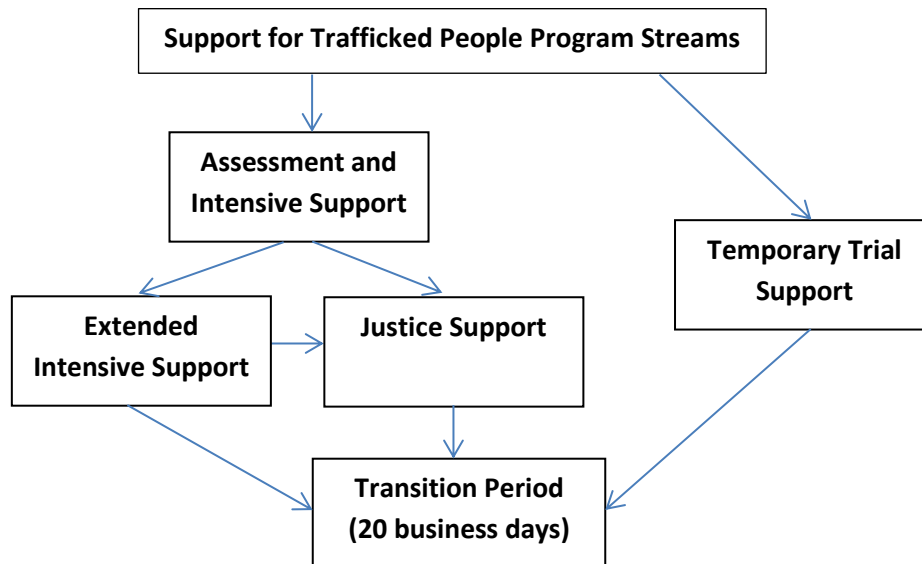
DSS administers the STPP. The Australian Red Cross is funded to provide case management services for the STPP until 30 June 2018.⁴⁴ The Australian Red Cross provides a 24 hours a day, seven days a week, 365 days a year national response within all states and territories in Australia. The Australian Red Cross allocates an individual case manager to each client referred to the STPP. Case managers are responsible for ensuring the appropriate delivery of support services tailored to meet the client's individual needs. Case managers help clients to access a range of support services to improve their mental and physical health and well-being following the trauma of their trafficking experience, and to provide safe and secure accommodation, opportunities to learn new skills and develop options for life after exiting the STPP.

STPP services may include:

- case management support
- suitable accommodation that meets the AFP's security and safety requirements
- medical treatment (through Medicare and the Pharmaceutical Benefits Scheme, or as approved)
- counselling
- referral to legal and migration advice
- appropriate skills development training, including English language and vocational guidance, where appropriate, and
- social support.

Clients who have dependent children living with them may receive assistance with arranging childcare, schooling, counselling and medical support. They can also be assisted to access parenting support or education.

⁴⁴ Funding for the Australian Red Cross to deliver the program has been extended to 30 June 2022.



The STPP includes the following streams:

Assessment and Intensive Support Stream

All trafficked people referred by the AFP receive intensive support for up to 45 days on the Assessment and Intensive Support Stream, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence.

This stream provides a recovery and reflection period and time for trafficked people to assess their options, consistent with Australia's obligations under the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*. If the person is not an Australian citizen and does not have a valid visa, they can be granted a Bridging F visa (BVF) for up to 45 days (see page 100 for further information on the Human Trafficking Visa Framework).

Trafficked people on the Assessment and Intensive Support Stream have access to the following support as needed: case management support; Medicare; Centrelink Special Benefit; secure accommodation; a living allowance; an amount for the purchase of essentials such as clothing and toiletries; access to health care, including counselling; access to interpreters; and access to legal and migration advice.

Extended Intensive Support Stream

The Extended Intensive Support Stream provides access to a further 45 days' support for trafficked people who are willing, but not able, to assist with the investigation or prosecution of a human trafficking or slavery-related offence, for reasons including age, ill health, trauma or practical impediment. This extended period of support is provided on a case-by-case basis and is designed to provide flexibility in the support available to trafficked people. If required, a second BVF for up to 45 days may be granted in such cases. Children are automatically entitled to access the Extended Intensive Support Stream, if it is in their best interests.

Justice Support Stream

The Justice Support Stream provides the trafficked person with support until the investigation and prosecution of a human trafficking or slavery-related matter is finalised. If the trafficked person is not an Australian citizen and does not have a valid visa, they can be granted a temporary visa for the duration of the criminal justice process.

Clients on the Justice Support Stream have access to the following support as needed and if eligible: Special Benefit, Rent Assistance, and a Health Care Card administered by Centrelink; assistance with securing longer-term accommodation; assistance to purchase essential furniture and household items; access to Medicare and the Pharmaceutical Benefits Scheme; access to legal services and interpreters; assistance to obtain employment and training (including English-language training) if desired; links to social support; and wrap around case management support.

Temporary Trial Support Stream

Clients on this stream receive intensive support, similar to that provided on the Assessment and Intensive Support Stream, for giving evidence pertaining to a human trafficking or slavery-related prosecution. Recipients are entitled to short-term accommodation and a weekly living allowance, if needed.

Transition period

Trafficked people leaving the STPP receive a 20 business day transition period. This allows case managers to make the necessary arrangements and referrals to ensure the client is adequately supported in their transition back to the community. This transition period may be extended on a case-by-case basis, if needed.

Statistics

Total number of clients on the STPP during 2016-17

As at 30 June 2017, a total of 350 clients were supported on the STPP since its inception in 2004. A total of 91 clients were supported on the STPP during 2016-17, compared to 80 clients in 2015-16. The majority of referrals to the STPP during 2016-17 related to forced marriage and labour exploitation.

Table 12: Total number of clients on the STPP between 2008-09 and 30 June 2017

Financial year	New clients referred to the STPP	Total clients on STPP
2008-09	27	59
2009-10	24	67
2010-11	29	82
2011-12	9	77
2012-13	21	83
2013-14	21	76
2014-15	38	89
2015-16	38	80
2016-17	39	91

Table 13: Total number of clients supported on the STPP between 1 July 2016 and 30 June 2017 by type of exploitation

Type of exploitation	Clients
Forced Marriage	33
Labour Exploitation – Commercial	26
Labour Exploitation – Personal	15
Sexual Exploitation – commercial and personal settings	10
Unknown	7
TOTAL	91

New clients referred to the STPP

Thirty nine new clients were referred to the STPP during 2016-17. All of these new clients were female. The highest number of referrals were for clients suspected of being in, or at risk of, a forced marriage (21 clients). During 2016-17, clients referred to the STPP were of various nationalities at time of referral including 12 clients from Australia, eight clients from Afghanistan, five clients from Pakistan, and 14 clients from other countries. Twelve children were referred to the STPP during this period.

Table 14: Number of clients referred to the STPP between 1 July 2016 and 30 June 2017 by gender

Gender	Clients
Female	39
Male	0
TOTAL	39

Table 15: Number of clients referred to the STPP between 1 July 2016 and 30 June 2017 by age

Age	Clients
18 years or older	27
Under 18 years	12
TOTAL	39

Table 16: Number of clients referred to the STPP between 1 July 2016 and 30 June 2017 by industry

Industry	Clients ⁴⁵
Agriculture/horticulture	< 5
Call Centre	< 5
Hospitality	< 5
No Industry – Marriage	21
No Industry – Personal setting ⁴⁶	12
Private household – Domestic services ⁴⁷	< 5
Sales and Marketing	< 5
Sex Industry	< 5
Other	< 5
TOTAL	39

Table 17: Number of clients referred to the STPP between 1 July 2016 and 30 June 2017 by country of birth

Country of birth	Clients
Afghanistan	9
Pakistan	7
Other ⁴⁸	23
TOTAL	39

⁴⁵ Note: For privacy reasons, the Australian Government does not provide data on individual descriptors where there are less than five trafficked people per category. All numbers less than 5 (including zero) have been presented in the above table as < 5.

⁴⁶ This category indicates where the exploitation is alleged to be carried out by a person(s) with a familial or intimate partner relationship to the client. The industry categories are indicative only.

⁴⁷ This category indicates where the exploitation is alleged to be carried out within a private household, by a person(s) with a commercial relationship to the client. The industry categories are indicative only.

⁴⁸ Combined client total where there were less than five clients per country.

Table 18: Number of clients referred to the STPP between 1 July 2016 and 30 June 2017 by country of citizenship

Country of nationality	Clients
Australia	12
Afghanistan	8
Pakistan	5
Other ⁴⁹	14
TOTAL	39

Table 19: Number of clients referred to the STPP between 1 July 2016 and 30 June 2017 by visa status at referral

Visa status	Clients
Australian citizen	12
Visa Subclass 309 Spouse/Partner (Provisional)	6
Other ⁵⁰	21
TOTAL	39

⁴⁹ Combined client total where there were less than five clients per country.

⁵⁰ Combined client total where there were less than five clients per visa category.

Table 20: Number of clients referred to the STPP between 1 July 2016 and 30 June 2017 by the state and territory in which they were residing at time of referral

State or territory	Clients⁵¹
Victoria	18
New South Wales	12
South Australia	7
Australian Capital Territory	< 5
Queensland	< 5
Western Australia	< 5
Northern Territory	< 5
Tasmania	< 5
TOTAL	39

⁵¹ Note: For privacy reasons, the Australian Government does not provide data on individual descriptors where there are less than five trafficked people per category. All numbers less than 5 (including zero) have been presented in the above table as < 5.

Challenges

Supporting clients in, or at risk of, forced marriage

While human trafficking and slavery STPP clients often have complex needs, forced marriage clients, who to date have been predominantly minors, have particular complexities and needs that require intensive casework and liaison with relevant support services, including youth services, child protection services, housing, education (primary, secondary and tertiary) and more varied legal services. The large range of organisations that have a role in supporting victims of forced marriage has necessitated additional effort to ensure a coordinated and consistent response.

Forced marriage is a complex form of violence, predominantly against girls and young women, many of whom are minors. Young forced marriage clients are often at risk of experiencing trauma and conflict with their family, and may be engaging in high-risk behaviours. They may experience familial, social and cultural isolation, and grapple with difficult decisions about whether to leave their family members, who are often the alleged offenders. Family and community member motivations for forced marriage is often to curb behaviour that is seen as inappropriate or to avoid bringing shame on the family or community. The Australian Government is aware that participation in a criminal justice process can be a barrier for forced marriage clients accessing the STPP.

Identifying individuals who are victims of criminal labour exploitation

Criminal labour exploitation offences are clandestine crimes that can be difficult to identify. They can occur across urban, regional and remote areas of Australia and in workplaces and private homes. The Government provides training and guidance materials for frontline officials to support the detection of criminal labour exploitation and referrals to victim support services. However, victims are often reluctant or unable to self-report. Frontline responders can also find it difficult to determine what actions amount to criminal labour exploitation and what amounts to less serious forms of exploitation, such as substandard pay and working conditions. These difficulties make it a challenge to effectively identify victims of criminal labour exploitation and refer them to support services.

The need to resource the sector

A particularly complex emerging challenge is the lack of a coordinated, resourced and culturally capable service sector able to meet the high and complex needs of trafficked people, especially forced marriage clients. Not only is there a general shortage of long-term housing for young people across Australia, with limited options that are appropriate for the forced marriage cohort, but other gaps are also apparent, including guardianship issues that may impact on a forced marriage victim's schooling, accommodation and health.

Culturally appropriate accommodation in the youth housing sector

Obtaining safe, stable and affordable accommodation, particularly at short notice and in capital cities, remains a challenge for the STPP. This has particularly been the case for clients who present with complex needs, such as mental health issues or alcohol or other drug dependence, and for clients who have dependent children or are children themselves. Clients requiring secure, independently funded long-term housing also present a challenge. This is compounded by a number of factors, including cost, safety issues and unfamiliarity with their surroundings or city.

Although Government and community housing provide safe, stable and cost-effective options for many vulnerable groups in the community, there are significant barriers for trafficked people in accessing these services. For instance, for forced marriage clients who have had very limited personal freedom and do not yet have independent living skills, accommodation in the youth homelessness sector can be confronting. Faced with limited suitable accommodation options, young victims of forced marriage may choose to return home to a potentially unsafe situation. Finding suitable longer-term accommodation and support options to help young clients build life skills and a new community support network is an ongoing challenge that the government is actively working to address.

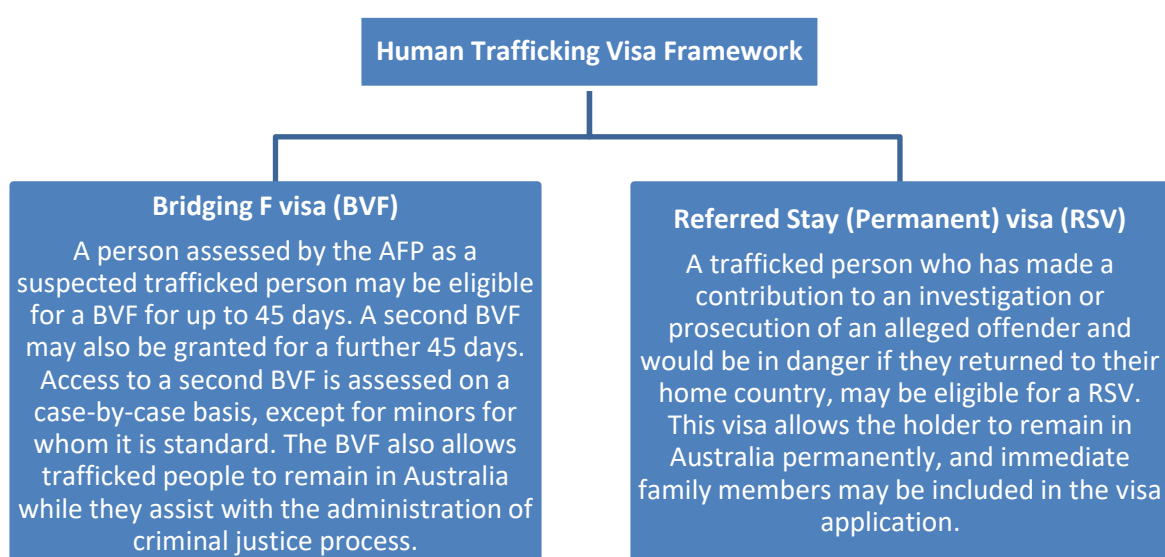
Integrating the national response

Providing support to the forced marriage client group has highlighted the complexities of working across Commonwealth, states and territories. As part of ongoing efforts to address the complexity of forced marriage cases in Australia, it is important to continue building an integrated national response that enhances our capacity to work across multiple Commonwealth, state and territory jurisdictions and agencies.

HUMAN TRAFFICKING VISA FRAMEWORK

Visa types

DIBP administers the Human Trafficking Visa Framework that enables foreign nationals who do not already hold a valid visa and are suspected victims of human trafficking or slavery to remain lawfully in Australia and access support through the STPP. The Framework comprises two visa categories: Bridging F visa (BVF) and Referred Stay (Permanent) visa (RSV).



Statistics

In 2016-17, DIBP granted a total of 31 visas to suspected victims of human trafficking and slavery.

Table 21: Human trafficking visa grants for 2016-17

Program Year	*Bridging F (WF-060) (BVF) visa grants – Initial & re-entry	**Bridging F (WF-060) (BVF) visa grants – Assistance Notice	Referred Stay (Permanent) (DH 852) visa grants
2016-17	6	8	17***

* Initial BVF granted for up to 90 days to people assessed by the AFP as suspected victims of trafficking

** Further BVF granted to facilitate longer-term stay for people assisting authorities with a criminal justice process (prior to reforms to the Human Trafficking Visa Framework, the Criminal Justice Stay Visa (CJSV) was used for this purpose)

*** Nine of the 17 were primary applicants (victims) and the remaining 12 were secondary or dependent applicants.

Support for visa holders

Victim support and protection is one of the four pillars of the National Action Plan. Affording trafficked people appropriate access to education and training can be a key component of their recovery process. The STPP provides access to appropriate skills development training and education, including English language and vocational guidance, so that trafficked people can explore options for life after the STPP. The Adult Migrant English Program (AMEP) provides participants with up to 510 hours of free, high-quality English language tuition. Access to the AMEP is available to trafficked people holding permanent visas, including those on a Bridging Visa F under the Human Trafficking Visa Framework. Trafficked people can also enrol in courses of study longer than 12 months' duration while accessing income support such as Youth Allowance and Austudy.

In May 2016, the Australian Government announced reforms to the AMEP as part of the 2016-17 Budget. The reforms are designed to increase engagement of migrants and contribute to the broader strategic objective of better aligning education, settlement, and employment outcomes for migrants. Implementation of the reforms will commence on 1 July 2017. Under the reforms, access to the AMEP Special Preparatory Program will be made available to all humanitarian entrants. The Special Preparatory Program provides up to an additional 400 hours of AMEP tuition and support in recognition of difficult pre-migration experiences, including torture and trauma. The reforms will also establish AMEP Extend, an AMEP sub-program that will provide up to an additional 490 hours of AMEP tuition for clients who exhaust their 510 hour entitlement without reaching functional English.

CASE STUDY

R⁵², who arrived in Australia on a working holiday visa, was referred to the STPP when the AFP identified him as a suspected victim of labour exploitation in the agricultural industry. R commenced assisting police with the investigation and when R's Working Holiday Visa was due to cease, the AFP sought a Criminal Justice Stay Certificate (CJSC) and Criminal Justice Stay visa (CJSV), from AGD and DIBP respectively. The CJSC was issued and CJSV granted, allowing R to remain in Australia temporarily to continue assisting with the criminal justice process. (R was later granted a long term Bridging F visa, designed to replace the use of the CJSV for suspected victims of human trafficking and slavery who are assisting with investigations.)

While on the STPP, R's Australian Red Cross caseworker closely supported him to access medical, legal, housing, counselling and various education and employment services. His English improved significantly during his time on the STPP, and he was assisted to overcome his social isolation by developing meaningful friendships with people in his community. R was also supported by his caseworker to re-engage with a number of his hobbies which supported his wellbeing and self-care.

Following the conclusion of the criminal justice processes and while R was still on the STPP, the AFP initiated the processes for R to be considered for a Referred Stay (Permanent) visa (RSV) by forwarding an assessment for a Referred Stay Certificate to the AGD. AGD issued the certificate based on advice from the AFP that R had closely co-operated with and contributed to an investigation into the offence of which he was a victim. Following this, DIBP assessed R's case circumstances and found that he satisfied the criteria to be invited to apply for an RSV (including being in danger if he returned to his home country). R was invited to apply for the permanent visa and, just over two years after appearing as a witness in the prosecution of the perpetrators of his exploitation, he was granted a permanent visa.

The criminal justice process was challenging for R, as he found it difficult and stressful to relive his experiences. R's social supports and work were important protective factors during this time. His permanent visa status was a significant positive outcome, particularly given these challenges and the high level of anxiety he experienced. He noted that his mental health had improved since the conclusion of the criminal justice process and since receiving his visa.

⁵² Given the small number of clients on the STPP and the need to preserve the privacy of individual clients, personal details (such as the client's name) have been changed, and information that may make the client identifiable has been removed.

For most of his time on the STPP, R was able to continue working, and in a number of different fields. He enrolled in job seeker services with Centrelink, and, with the assistance of his Australian Red Cross caseworker, completed two TAFE courses in manufacturing and landscaping (including a government-subsidised position, which he was eligible for as a result of being on the STPP). Upon exit from the STPP, he had commenced a third training course and had commenced driving lessons.

R explained that the STPP helped him significantly over the years. Now that he had a permanent visa, and had developed stability and security around his financial situation as well as around his health and wellbeing, R felt confident to access services and resources as needed, and to plan for his future independently. R was looking forward to the next chapter of his life.

COMMUNITY PARTNERSHIPS

Maintaining productive community partnerships is crucial to ensuring Australia continues to have a holistic and multifaceted response to human trafficking and slavery.

Australia's National Action Plan recognises that specialist civil society organisations, in particular, play a vital role in identifying and assisting trafficked people, as well as improving community understanding of trafficking issues through targeted education and awareness-raising initiatives.

FUNDED PROJECTS

The Australian Government continued to support the important work of specialist NGOs with \$1.44 million in funding over 2014-17 awarded to Anti-Slavery Australia, the Australian Catholic Religious Against Trafficking in Humans (ACRATH), Project Respect and Scarlet Alliance. This funding contributed to the progress of outreach, support and awareness-raising initiatives on human trafficking and slavery. Further funding totalling almost \$500,000 was also provided to Anti-Slavery Australia, ACRATH and the Australian Muslim Women's Centre for Human Rights over 2014-17 to prevent and address forced marriage in Australia.

CIVIL SOCIETY UPDATES

The Australian Government remains committed to continued genuine collaboration with civil society partners on human trafficking and slavery issues. The support of civil society is vital to the effective implementation of the National Action Plan. Updates on projects, events and awareness raising initiatives during 2016-17 from civil society stakeholders are below.

ANTI-SLAVERY AUSTRALIA



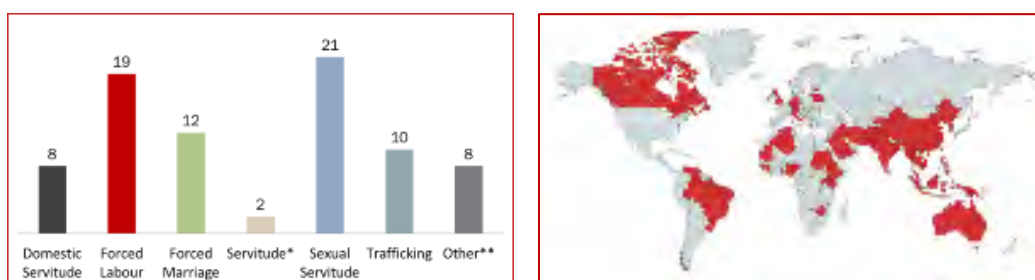
About us: Anti-Slavery Australia (ASA) is a research, policy and legal centre at the University of Technology Sydney, dedicated to the abolition of human trafficking and slavery. ASA supports trafficked people by advocating for law reform and policy change, conducting leading research and delivering online and face-to-face training. ASA includes a legal practice providing free legal representation to trafficked people.

Key projects: In 2016-17, ASA delivered 64 presentations across Australia and internationally; assisted 80 trafficked people and their families; provided 13,848 lessons online via the ASA E-Learning Course; and made 11 submissions to government inquiries.

In May 2017, ASA released 'Behind the Screen: Online Child Exploitation in Australia', which provides a comprehensive summary of Australia's response to the issue of online child exploitation, with key recommendations to strengthen Australia's response.

ASA's national legal practice continues to assist clients with advice about immigration, citizenship, human rights, employment law, family law, criminal law and victims' compensation. In 2016-17, ASA assisted over 80 clients, originating from 29 different countries, who are victims of sexual servitude, forced labour, forced marriage, trafficking, and servitude.

Profile of Active Clients from over 29 Countries



ASA continues to manage the content and provide the legal service supporting 'My Blue Sky' (www.mybluesky.org.au), Australia's first website dedicated to forced marriage prevention, information and legal advice. My Blue Sky provides a free national legal service through email, text or private locker room to assist people in or at risk of a forced marriage. The website is funded by the Australian Government and contains tailored content for children and teenagers as well as teachers, health professionals and other service providers.

As at 30 June 2017, the My Blue Sky website has attracted 33,218 page views and around 23 requests for assistance, support and legal advice. A number of these matters have been referred to the AFP for further assessment. Several My Blue Sky materials have now been translated into 14 languages. My Blue Sky was promoted extensively at events run by ASA representatives and forced marriage workshops organised by AGD in May – June 2017 (see page 25). During these workshops, nationwide contacts and program details were collected to expand the service directory of relevant government agencies and non-government service providers.

In 2016-17, ASA and the Australian Red Cross continued to co-convene the NSW Forced Marriage Network. The network now includes over 180 members representing 60 agencies, including community organisations and government, and has built connections with like networks in Victoria, Northern Territory and South Australia.

ASA hosts training, workshops, seminars and events aimed at awareness raising and educating the community. Some of these events in 2016-17 included:

- *Let's talk about Forced Marriage & Human Trafficking* workshops in Darwin, NT in partnership with the Australian Red Cross, the Department of Human Services and Charles Darwin University.
- *'Remembering Slavery: Recognition, Justice and Development'* seminar and exhibition, in partnership with United Nations Information Centre Canberra and UTS Library.
- *'Out of the Shadows: Portraiture of Domestic Workers in Nepal'* photographic exhibition and seminar *'Domestic Workers in Nepal – In Search of Dignity and Protection'*, in partnership with Konica Minolta Australia and the UTS Library.
- *'Trafficking, slavery and slavery-like exploitation of children in Australia: a human rights perspective'* presentation at the 7th World Congress on Family Law and Children's Rights in Dublin 2017.

The year ahead: In 2017-18, ASA will undertake the following projects:

- In November 2017: *Anti-Slavery Australia Freedom Awards*, a biennial event that recognises and celebrates the outstanding work of individuals and organisations working to end human trafficking, slavery and slavery-like practices.
- In June 2018: *Inaugural National Forced Marriage Conference* for community organisations, academia and government to share, learn and encourage best practice leadership in the area of forced marriage.
- Conduct a review of existing protective mechanisms in the context of forced marriage.
- Launch Anti-Slavery Australia Community Engagement Initiative.



***ASA with Red Cross and DHS
representatives at workshops in
Darwin.***

AUSTRALIAN CATHOLIC RELIGIOUS AGAINST TRAFFICKING IN HUMANS (ACRATH)



About us: ACRATH works towards the elimination of human trafficking in Australia, the Asia-Pacific region, and globally. ACRATH's goals are to:

- Eliminate human trafficking in sexual exploitation and in forced labour
- Eliminate forced marriage in Australia and globally
- Ensure people who have been trafficked access their rights
- Promote slavery-free supply chains
- Develop our organisational sustainability and influence

Key projects: Forced marriage: Teachers from more than 180 schools across WA, SA, NSW and Victoria have participated in professional development on forced marriage based on the **My Rights – My Future forced marriage** kit developed by ACRATH. As well ACRATH participated in a Forum on early and forced marriage in Jakarta, organised by DFAT; ACRATH was one of four groups in the Australian contingent.

ACRATH has commenced a pilot project in **collaboration with St Vincent's Health Australia** to bring about systemic change in the way services are provided to people who are trafficked and to address ways of slavery-proofing supply chains in its procurement processes. St Vincent's Health Australia is the nation's largest Catholic not-for-profit health provider, operating on 28 sites.

Companionship is offered to 34 trafficked women and their 21 children by ACRATH volunteers in Queensland, New South Wales, Western Australia and Victoria. Volunteers have found accommodation, helped women be in touch with their home country communities, accompanied several trafficked women to parent teacher meetings at their child's school, negotiated access to training courses, attended graduations and citizenship ceremonies, and provided some material support. A highlight was one trafficked woman obtaining a visa after 8 years. Most of the trafficked women have been supported for many years. One trafficked woman recently graduated as a nurse.

Human trafficking and Slavery – A response by Australian Catholics was written by ACRATH EO Christine Carolan and President Noelene Simmons. It provides a comprehensive picture of human trafficking in Australia today and offers the community ways to respond. **The ACRATH 2018 calendar** was also published, highlighting the work of many anti-trafficking organisation and collaborations between anti-trafficking groups.

The year ahead: Forced marriage training will be undertaken with Catholic priests and with at least 40 more schools across the country.

Collaboration with St Vincent's Health Australia has provided learnings that ACRATH hopes to share with the broader Catholic health sector.

The Radio and Print Project will target three language groups to promote the risks of forced labour and the support services available to affected people. This will be done through the various community networks and media.

ACRATH volunteers who provide companionship will be supported through the implementation of a policy and procedures document; this will help our volunteers to be more effective companions.



St Vincent's Health Australia and ACRATH working group

AUSTRALIAN MUSLIM WOMEN'S CENTRE FOR HUMAN RIGHTS (AMWCHR)



About us: The Australian Muslim Women's Centre for Human Rights (AMWCHR) is an organisation of Muslim women working to advance the rights and status of Muslim women in Australia. The ultimate purpose of our organisation and the belief that informs the AMWCHR's work is that Muslim women's equality should be without exception, without qualification and without threat.

AMWCHR has been working in the early and forced marriage space for a number of years. Our work involves individual casework whereby AMWCHR works with individuals who approach us directly or through referrals when they are at risk of an early and/or forced marriage. AMWCHR also works at the preventative level through community education with Muslim women. In addition, AMWCHR undertakes a number of trainings for service providers on the issue.

Key projects: The primary focus of AMWCHR's work in 2016-2017 has been finalising and publishing a research report called "Marrying young: An exploratory study of young Muslim women's decision-making around early marriage". The report documents findings from qualitative research with young Muslim women exploring their understanding of marriage and the cognitive and emotional aspects of their decision-making about when and who to marry. The research also included interviews with a small number of Muslim women who were forced to marry early.

AMWCHR continued to provide community education sessions to young Muslim women and Muslim parents on early and forced marriage and its social, emotional and physical implications. The sessions also provide education and information on the Australian legislative framework related to marriage.

AMWCHR have been providing assistance to victims of early and/or forced marriage for a number of years and average about 12 cases annually, although the last year has seen a slight rise in the number and complexity of cases. AMWCHR conducted a number of professional development trainings for community sector professionals, government departments and schools in Victoria and across other states.

The year ahead: AMWCHR's focus in 2017-18 continues to be on community education. The project that AMWCHR are implementing is called "Aware Marriage Project". It is a community-based, awareness-raising, prevention-oriented project, aiming to directly, strongly and effectively address the issue of early and forced marriage in the Muslim community in Victoria.

Through intensive group-work informed by research, the project aims to present information and generate discussion on early and forced marriage, including the root causes, dynamics and impacts. The group-work ensures relevance to and is rooted in the participants' past socio-political cultural contexts as well as their current lives as migrants/ refugees in Australia. The aim is to challenge socio-cultural attitudes towards gender, family, marriage and community identity that reinforce and enable early and forced marriages.

AUSTRALIAN HUMAN RIGHTS COMMISSION



About us: The Commission is an independent statutory organisation that reports to the Australian Parliament through the Attorney-General, leading the promotion of human rights in Australia. Human trafficking and slavery are key focus areas for the Commission, and the Commission remains committed to delivering strategic policy and project outcomes to address these issues across a broad range of sectors. The continued advancement of influential partnerships with private sector, civil society, NGO and governmental agencies, both regionally and on an international basis, are integral to the Commission's ability to lead dialogue in this area. The Commission identifies projects and networks that aim to address the complex challenges and risks stemming from increasing globalised markets, exchanging knowledge, learning from and building capacity of actors in implementing the UN Guiding Principles on Business and Human Rights in Australia and region-specific areas including the Pacific and Asia-Pacific.

Key projects: In April 2017, the Commission collaborated with Ernst & Young to publish a joint report: *Human Rights in Investment – Stepping out of the shadows, the value in considering human rights in Environmental, Social and Governance Due Diligence*.⁵³ The purpose of this report was to enable investors to comprehensively understand the relevance of human rights and the value of integrating human rights assessments in investment decision-making. The publication outlined leading practice examples including a specific focus on understanding and assessing human trafficking and slavery in agricultural supply chains.

In early 2017, the Commission took a lead role in analysing submissions to the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) inquiry into establishing a Modern Slavery Act in Australia, in order to understand the preferences, priorities and issues from private, civil society, academic, industry and NGO sectors. Throughout its inquiry process, the Commission provided its expertise to members of this parliamentary committee.

In May 2017, at the request of DFAT, the Commission hosted a roundtable for civil society organisations to meet with the United Kingdom (UK) Independent Anti-Slavery Commissioner, Kevin Hyland. The President and the Human Rights Commissioner each addressed this forum.

⁵³ <<https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/human-rights-investment-2017>>

The Commission continued to work closely with the Global Compact Network Australia to develop the agenda for the third annual Dialogue on Business & Human Rights, which occurred on 28 October 2016. The focus of this Dialogue was to promote a broader understanding of supply chain transparency across global markets and facilitate stakeholder engagement on implementation of the UN Guiding Principles on Business and Human Rights in Australia.⁵⁴

Throughout 2016-17, the Commission continued to participate in the National Roundtable, the Labour Exploitation Working Group, and the National Multi-stakeholder Advisory Group on Implementation of the UN Guiding Principles on Business and Human Rights.

In August 2016, the Commission published a joint civil society statement on establishing a National Action Plan for Business & Human Rights to strengthen the implementation of the UN Guiding Principles on Business and Human Rights. The Commission led the facilitation of a civil society roundtable that developed the joint statement.

In October 2017, the Human Rights Commissioner brought together a diverse group of community leaders – spanning the business sector, academia, sector-specific peak bodies, civil society and faith-based organisations – to contribute constructively to the current reform process on modern slavery. The outcome was a joint statement, which expressed support for the development of an Australian Modern Slavery Act, and articulated a number of key principles that should guide this reform.⁵⁵ The Commission facilitated a dialogue process that was vital in developing the joint statement. This joint statement was also provided to the parliamentary committee inquiry on establishing a Modern Slavery Act.

The year ahead: During 2017-18, the Commission will lead dialogue and capacity building for National Human Rights Institutions and key community organisations in the Pacific region on safe migration in seasonal worker programs. The Commission will continue maintaining a watching brief on national developments in establishing a Modern Slavery Act in Australia, including participation in the public consultations on the Modern Slavery in Supply Chains Reporting Requirement. The Commission will host the 5th Annual National Dialogue on Business and Human Rights with the Global Compact Network Australia and continue the development of resources to assist business to implement the UN Guiding Principles on Business and Human Rights. The Commission will continue to participate in and support initiatives which promote an increased awareness of core human rights frameworks relating to human trafficking and modern slavery.

⁵⁴ Summary and outcomes from the Dialogue are at
<<http://www.unglobalcompact.org.au/2016/12/20/2016-australian-dialogue-on-business-and-human-rights-summary-and-outcomes-document-published>>

⁵⁵ <<https://www.humanrights.gov.au/our-work/rights-and-freedoms/publications/statement-support-australian-modern-slavery-act-2017>>

AUSTRALIAN RED CROSS



About us: Red Cross provides humanitarian assistance to migrants, protecting them against abuse and exploitation, upholding their dignity and rights, and empowering them in their search for opportunities and sustainable solutions. In Australia, Red Cross has directly assisted more than 270 people subjected to human trafficking, slavery, and slavery-like practices such as forced labour and forced marriage. The Red Cross provided each person with comprehensive, tailored case management support through the Australian Government-funded STPP. Through connection to a global movement, local state networks in Australia, and direct learnings from people and communities we assist, Red Cross is able to identify and highlight critical humanitarian needs and areas where more support is needed.

Key projects: In 2016-17, Australian Red Cross supported 91 people across Australia to recover from trafficking and forced marriage and rebuild their lives. This includes a growing number of people impacted by forced marriage. Just over half of all new referrals in 2016-17 were for forced marriage.

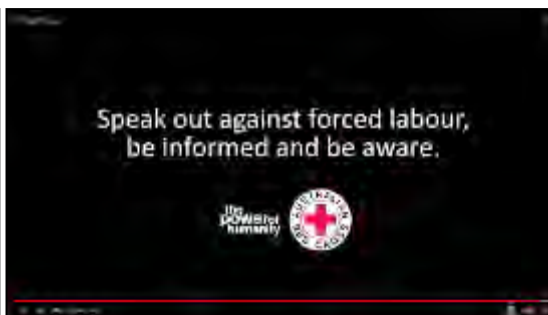
Red Cross facilitated and presented at over 40 forums and training sessions nationwide, to build an understanding of human trafficking and forced marriage and the supports available. The Red Cross also continued work with partners to co-lead state and territory networks, promoting information-sharing and coordination. In Victoria, Red Cross commenced a two-year Forced Marriage Capacity Building Project, aimed at empowering affected communities to address forced marriage through locally-led solutions.

Red Cross contributed to dialogue on policy through government submissions and our membership of the Labour Exploitation Working Group, as well as through research initiatives. This includes trafficking scoping studies in the Northern Territory and Tasmania, to better understand vulnerabilities to severe forms of exploitation, such as barriers to identification and reporting, and where there are unmet needs and opportunities. Red Cross also submitted a report to the National Roundtable, exploring the gaps, challenges and impacts of Australia's response to forced marriage.

In the region, Australian Red Cross co-chairs the Red Cross/Red Crescent Asia Pacific Migration Network (APMN) and its working group on labour migration and human trafficking. In June, Red Cross hosted the APMN annual general meeting, where 14 National Societies formalised their commitment to improving health outcomes for migrants by creating a new working group, and made wide-ranging commitments toward strengthening the response to migration issues in the region.

The year ahead: In 2017-18, Red Cross will continue providing individualised casework support through the STPP, responding to people's needs, and providing services tailored to the complexity of the client group. Red Cross will also continue to work collaboratively and productively in the Asia Pacific region and in Australia, and engage the non-government sector and the community to enhance and inform the response. Internationally, Red Cross will draw on our humanitarian work with migrants in many parts of the world, to bring a first-hand understanding of the experience and suffering of migrants to the Global Compact for Migration consultations.

Specific projects include trafficking scoping studies in regional areas of Australia, culminating in a report to the National Roundtable; research on community-led strategies to addressing forced marriage; and releasing awareness-raising resources, such as videos on forced labour and domestic servitude, for distribution to state/territory and national stakeholders. Stills from the video on forced labour are included below.



HAGAR



About us: Hagar Australia exists to do whatever it takes for as long as it takes to transform the lives of those impacted by deep trauma and end the cycle of human trafficking, slavery and abuse. Hagar Australia works directly with survivors of trafficking and slavery, supporting them to heal and build a new life. Hagar Australia ensures survivors they have somewhere safe to live, access to legal advice and medical care, world-class trauma counselling, the opportunity to go to school and learn vocational skills or obtain a university degree, and placement in a job.

Hagar Australia also advocates for the Australian community – through its governments, companies, civil society and citizens – to play a leadership role in combating human trafficking and slavery within our region and the world.

Key projects: In 2016, Hagar Australia supported 1,162 women, men and children who have survived human trafficking, slavery and abuse across Cambodia, Vietnam, Singapore and Afghanistan. Across these countries, 106 survivors were reintegrated into their family or community and training was provided to 820 government officials and staff of partner organisations to better equip them to identify victims of trafficking and care for survivors.

Hagar Australia works with child survivors in Cambodia as a leading advocate and provider of community-based care in situations where children are unable to live with their families. In Afghanistan, Hagar Australia continued to be the only organisation with a program designed for the unique recovery needs of boys who have been trafficked. In Australia, Hagar Australia continued to raise community awareness of the issues of human trafficking and slavery, through speaking at schools, churches and other community groups, as well as to corporates, the International Chambers of Commerce and Industry and at Adelaide Oval for the International Day of the Girl Breakfast.



The year ahead: Over 2017-18, Hagar Australia will continue our work with individual survivors and our efforts to bring about systemic change. Hagar Australia will explore the introduction of foster care for survivors in Afghanistan, where it does not currently exist, and work with other organisations globally towards the achievement of Target 8.7 of the Sustainable Development Goals. In Australia, Hagar Australia will work with others – including the private sector – to ensure an effective Modern Slavery Act and continue to raise awareness of the issues of human trafficking and slavery within the Australian community.

INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)



About us: Established in 1951, IOM, the United Nations' Migration Agency, has continued to respond to migration challenges of increasing scale and complexity, promote inclusion of migration into state policies and contribute to upholding the humanitarian principle for action. IOM's membership body is comprised of 166 member states, with a further eight (8) states holding observer status. IOM's recognized expertise in this field is best reflected by the fact that it currently manages projects with an operational budget of more than USD 1.6 billion and 10,000 staff spread across over 150 countries.

IOM is widely acknowledged as playing a leading global role in countering trafficking in persons together with governments, civil society and victims of trafficking, and it is providing its technical expertise on, inter alia, trafficking issues, in the formulation of the Global Compact for Migration and supporting the implementation of the 2030 Sustainable Development Goals addressing trafficking.

IOM and the Commonwealth of Australia have cooperated on migration issues for more than 65 years. As a founding member state, the Government of Australia has consulted with IOM on many migration-related issues and worked collaboratively on a multitude of projects. The strength of the relationship is reflected through the commitment to a strategic partnership.

Key projects: In 2017 IOM contributed a submission to the Australian Parliamentary Inquiry into Modern Slavery whereby IOM outlined its support for Australia to adopt national legislation to combat modern slavery, comparable to the United Kingdom's Modern Slavery Act 2015. The objectives of the UK's Modern Slavery Act 2015 pivot on a bill that implemented two new civil orders to prevent modern slavery, the establishment of an Independent Anti-Slavery Commissioner and provision for the protection of modern slavery victims.

The Bali Process, co-chaired by Indonesia and Australia, has 48 members, including the United Nations High Commissioner for Refugees, IOM and the United Nations Office on Drugs and Crime as well as a number of observer countries and international agencies. The Bali Process has effectively assisted bilateral and other regional efforts to combat people smuggling and trafficking. This August, IOM supported the conduct of the inaugural Bali Process Government and Business Forum in Perth, which secured commitments from the private sector and governments to join forces to combat modern day slavery.

Over the past year, IOM has participated in network meetings across the ACT, VIC and WA that contribute to addressing human trafficking and modern slavery. These networks are represented by various governmental, intergovernmental and non-government agencies that collaborate on research, development, education and grass roots projects amongst migrant communities in Australia. These networks include the Migrant Workers Steering Committee, Forced Marriage Network, Freedom Network to End Modern Slavery and the Inter-Agency Meeting on Issues of Modern Day Slavery and Human Trafficking.

The year ahead: IOM intends to maintain its representation in the networks cited above that contribute to addressing human trafficking and modern slavery. IOM will also be continuing its role on both the National Roundtable and the Bali Process to encourage inter-state cooperation.

IOM's Assisted Voluntary Return (AVR) Programme engages with vulnerable migrants across Australia. AVR caseworkers will continue to be alert for signs of exploitation and facilitate referrals for migrants who may have experienced exploitation, as appropriate, to the relevant bodies.

LAW COUNCIL OF AUSTRALIA



About us: The Law Council of Australia exists to represent the legal profession at the national level, to speak on behalf of its Constituent Bodies on national issues, and to promote the administration of justice, access to justice and general improvement of the law. The Law Council advises governments, courts and federal agencies on ways in which the law and the justice system can be improved for the benefit of the community.

The Law Council also represents the Australian legal profession overseas, and maintains close relationships with legal professional bodies throughout the world. Through its Constituent Bodies, the Law Council effectively acts on behalf of more than 60,000 lawyers across Australia. The Law Council's President for 2017 is Fiona McLeod SC.

Key projects: The Law Council conducted a range of projects during 2016-17, including:

- Publication of a Consultation Paper on [People Who Have Been Trafficked and Exploited \(PWHBTE Consultation Paper\)](#) which forms part of the Law Council's ongoing [Justice Project](#)
- Publication of a [Report on a National Compensation Scheme for Victims of Commonwealth Crime](#), in conjunction with Anti-Slavery Australia, which sets out a case for a national compensation scheme for victims of trafficking, slavery and slavery-like practices
- [Submission](#) and [supplementary submission](#) to the Joint Parliamentary Committee on Foreign Affairs, Defence and Trade's Inquiry into establishing a Modern Slavery Act in Australia ([Inquiry](#)), and appearance at the Inquiry hearing
- [Submission](#) to the Attorney-General's Department on the *Modern Slavery in Supply Chains Reporting Requirement Public Consultation Paper and Regulatory Impact Statement*
- [Submission](#) to the Senate Standing Committee on Education and Employment's Inquiry into the *Fair Work Amendment (Protecting Vulnerable Workers) Bill 2017*
- [Supplementary submission](#) to the Joint Committee on Law Enforcement's Inquiry into Human Trafficking, Slavery and Slavery-like practices
- Ongoing participation in the National Roundtable on Trafficking, Slavery and Slavery-like Practices, including Fiona McLeod SC chairing its Labour Exploitation Working Group
- Fiona McLeod SC's participation in the Department of Foreign Affairs and Trade's [Multi-Stakeholder Advisory Group on Implementation of the UN Guiding Principles on Business and Human Rights](#)
- Fiona McLeod SC's Keynote Address at Anti-Slavery Australia's Freedom Awards 2017.

The year ahead: Over 2017-18, the Law Council will:

- Conduct consultations and receive submissions on the PWHBTE Consultation Paper; integrate findings into the Justice Project's Progress Report (end of 2017) and Final Report (early 2018); engage in advocacy regarding relevant recommendations emerging from the Final Report
- Participate in any Parliamentary and other relevant inquiries relating to trafficking, slavery and slavery-like practices that arise, and advocacy regarding any relevant recommendations that emerge from those inquiries
- Continue participation in the National Roundtable.

PROJECT RESPECT



About us: Project Respect is a support and referral service for women in the sex industry and women trafficked to Australia for sexual exploitation. We conduct outreach to licensed brothels across the Greater Melbourne area and provide case-management support for women. We undertake capacity-building training with services and community awareness raising initiatives with the broader public, including media engagement. We advocate to all levels of government about trafficking and related issues.

Direct Service Work:

- 362 outreach visits to licensed brothels, met with 716 women, 80 per cent from culturally and linguistically diverse backgrounds.
- Intensive case-management to 15 women trafficked (and an additional 28 women in the sex industry). 4 women are at risk of deportation despite being trafficked, and all exited from STPP.

Community Awareness Raising:

- From May 2016, delivered 2 half day capacity building workshops
- 12 print and online interviews and 3 guest speaker events

Advocacy:

- Continued to be an active member of the Senior Officials' Meeting of the National Roundtable and became members of the Labour Exploitation Working Group elevating the high rates of labour exploitation women in the sex industry experience in to the LEWG framing report.
- Submission to the Inquiry in to Establishing a Modern Slavery Act, and appeared as a witness at the public inquiry in August 2017.
- Submission to the UN Women Submission on Prostitution
- Elevated the experiences of women trafficked in Australia to the federal governments Sexual Assault and Access to Justice and Law Reform Inquiry.

Key projects: In March 2016, Project Respect commenced development of its new capacity-building training for the social, community and welfare sector, and, in May, launched the program. The outcomes of the training are to increase the knowledge and awareness of frontline workers on how to identify, respond and refer suspected survivors of trafficking. The training can be customised to the identified needs of the participating service(s), and can be delivered as a full or half day workshop.

Project Respect undertook significant advocacy regarding illegal brothels in Melbourne, and highlighted the compounding factors of exploitation women are exposed to, and advocated for a response which placed the health, safety and welfare of woman at the forefront.

The year ahead: Project Respect will continue our frontline work outreaching to the Victorian sex industry, and supporting women who have been trafficked, particularly women unable to access the government funded STPP, as there is no one else working in this space. Project Respect aims to expand the scope of our capacity-building training to deliver to a broad range of social, community and welfare services across Melbourne, and collaborate with other services working in the trafficking space to deliver this training. We will continue our advocacy to all levels of government around trafficking related issues.

THE FREEDOM PARTNERSHIP TO END MODERN SLAVERY – SALVATION ARMY

The Freedom Partnership **End Modern Slavery**



The Freedom Partnership has continued its work with the Just Work Alliance, engaging business, peak bodies, and other community-based groups to promote recommendations for challenging labour exploitation as a key anti-slavery strategy. The Alliance has made significant progress toward achieving key policy priorities:

- Labour hire regulation
- Better immigration protections for vulnerable workers
- Community linkages for temporary workers to reduce social isolation as measured by the following outcomes: states introducing labour hire licensing schemes; the new accord between DIBP and FWO where exploited workers with work rights will receive extra consideration before being removed for visa breaches; and new funding through Crime Prevention Grants for community capacity building and temporary worker inclusion programs in four sites across Australia.

The Freedom Partnership has participated in the Labour Exploitation Working Group, the Migrant Workers' Taskforce Roundtable and the DFAT-NGO Forum on Human Rights amongst other consultative forums.

The Trafficking and Slavery Safe House has supported 49 survivors of modern slavery during 2016-17, with approximately 40 per cent of cases involving domestic servitude and 60 per cent forced marriage. Highlights from the service this year include:

- Strong engagement with pro bono legal partners to assist survivors to gain access to victim's compensation. There are currently 11 active claims being assessed by Victims Services with several awards being made in the last financial year.
- Five individuals engaged with legal partners to pursue civil claims regarding to their exploitation.
- Four individuals were granted permanent visas through either the Trafficking Visa Framework or the Protection Visa Framework.
- The Safe House relocated to a new premises and will be working on a new impact measurement framework in 2017-18.

The Freedom Partnership has assisted 12 individuals with financial assistance (totalling \$14,000) for emergency food and accommodation support, support to access education and for independent living through the Australian Freedom Fund—which provides individual grants to survivors of slavery where funds are not otherwise available. Service providers across Australia are encouraged to contact the Freedom Partnership with applications and questions to see if we can assist. More information and details on how to apply are available at:

<http://endslavery.salvos.org.au/act/australian-freedom-fund/>.

The Freedom Partnership participated in a number of state and federal parliamentary inquiries, including the Joint Committee on Law Enforcement Inquiry into Human Trafficking, the JSCFADT inquiry into Establishing a Modern Slavery Act, and the Parliamentary Education and Employment Committee inquiry into Corporate Avoidance of the Fair Work Act. The Australian Freedom Network – a coalition of 19 faith leaders convened by The Salvation Army – provided evidence to the Modern Slavery Act inquiry in May 2017 advocating for an Independent Anti-Slavery Commissioner, reporting requirements for business on efforts to identify and address slavery in supply chains, and a public repository for company statements.

The Freedom Partnership continued to support local anti-slavery/anti-exploitation networks developing around the country. This work is incremental but we are seeing signs of meaningful progress where groups are not only engaging more widely, but more substantively as well. Developments include progressing from information-sharing to discussion of case examples and exploring how to improve collaboration to identify and assist more victims. Another development has been the connection of small or isolated local groups to others in their region, thus strengthening opportunities to share information, learn and work collectively to protect vulnerable workers in regional communities.

The Freedom Advocates remains a priority program to ensure survivors have an opportunity to contribute to and shape the national response to modern slavery through self-determined, supported means. In May 2017, an advocate addressed attendees at The Salvation Army's Red Shield Appeal Launch in Canberra, educating and inspiring them to learn more and take action in their communities. Another advocate provided evidence to an inquiry into human trafficking and continued to provide peer mentoring support to young women and girls facing forced marriage. Information on the program is available at: <http://projectfutures.com/australia/>.

The Freedom Partnership National Projects Coordinator was awarded a Winston Churchill Fellowship and began a three-month study of early and forced marriage in six countries. Freedom Partnership staff delivered trainings and made presentations to a wide variety of groups across Australia. Examples include National Manager, Jenny Stanger's presentation on "Managing Risks to Taiwanese Nationals on Working Holiday Visas in Australia" at the International Workshop on Human Trafficking sponsored by Taiwanese government and National Immigration Agency and a presentation on cross-sector collaboration with ACRATH to participants in the AFP's annual investigators' course.



UNITING CHURCH IN AUSTRALIA, SYNOD OF VICTORIA AND TASMANIA



Uniting Church in Australia
SYNOD OF VICTORIA AND TASMANIA

About us: The Uniting Church is the third largest Christian denomination in Australia and the first church to be created in and of Australia. The Uniting Church in Australia sees as part of its mission to act with God alongside the oppressed, the hurt and the poor, which includes people harmed by slavery, human trafficking and forced labour.

Key projects: The Uniting Church in Australia has worked with a global network of NGOs on ending human trafficking and forced labour in the Thai food industry. The Uniting Church in Australia also work with a number of companies that import seafood and chicken from Thailand and with food companies in Thailand. The Thai Government introduced laws that are curbing labour trafficking and forced labour. Companies are also taking voluntary actions that are having an impact, such as reduced use of labour brokers and making sure they know every fishing vessel in their supply chain.

The Uniting Church in Australia are the secretariat for the JustWork Alliance of NGOs, which has included investigating labour hire companies operating in the horticultural industry in Australia that may be linked to forced labour and human trafficking.

The Uniting Church in Australia was an active member of the Labour Trafficking Working Group of the National Roundtable on Human Trafficking and Slavery.

The Uniting Church in Australia co-ordinated joint lobbying of the Australian Government to make representation on behalf of human rights defenders in Uzbekistan, who have been subjected to severe harassment for investigating the use of forced labour in cotton production.

The Uniting Church in Australia continued to campaign for the Commonwealth Government to:

- introduce a licensing regime for labour hire businesses in industries with high risk of forced labour and human trafficking
- Introduce a Modern Slavery Act and an Independent Anti-Slavery Commissioner
- place digital currencies under the *Anti-Money Laundering and Counter-Terrorism Financing Act 2006* to curb their use in the purchase of child sexual abuse material online, noting that many of the victims in such material are victims of trafficking.

The year ahead: The Uniting Church in Australia will continue to campaign and advocate for:

- The introduction of a Modern Slavery Act and an Independent Anti-Slavery Commissioner.
- The implementation of Director Identification Numbers and a public register of the real owners and controllers of companies in Australia to address the use of front companies with 'dummy' directors used in human trafficking and forced labour abuses.
- A national licensing scheme for labour hire businesses in industries where there is a high risk of human trafficking and forced labour.
- Legislation that will protect and reward whistle blowers in the private sector, including those that expose human trafficking and forced labour.
- Reform of Australia's visa system to remove those visa conditions that contribute to exploitation of people on temporary visas.
- Reforms to address human trafficking and forced labour in the Thai food industry.

THE WALK FREE FOUNDATION



About us: The Walk Free Foundation was founded by Andrew and Nicola Forrest as part of their commitment to work to end modern slavery. Walk Free has an integrated strategy that includes building a robust knowledge base to inform action, driving legislative change in key countries and harnessing the power of businesses and faiths to take action. Walk Free believes that through a combination of direct implementation, grassroots community engagement and working in partnership with faiths, business, academics, NGOs and governments around the world; we can end modern slavery.

Key projects: The Bali Process Business and Government Forum is a cooperative business and government initiative to combat modern slavery and human trafficking in the Indo-Pacific region. Andrew Forrest is the joint business co-chair, representing Australia. Walk Free planned the inaugural Forum meeting in Perth for August 2017, to bring together governments and business from 45 countries to plan their cooperation in measures to end modern slavery in our region.

Walk Free published the 2016 Global Slavery Index, which estimated there are 45.8 million modern slavery victims globally. Walk Free also worked in partnership with the International Labour Organisation (ILO) and International Organization for Migration (IOM) to develop new global estimates of modern slavery victims for launch at the UN General Assembly (UNGA) in September 2017.

The JSCFADT Inquiry into Modern Slavery has been a major focus of Walk Free. Since successfully campaigning for the Inquiry to be established, Walk Free has participated in advocacy and education in support of an Australian Modern Slavery Act, including a modern slavery supply chain reporting requirement.

The year ahead: Walk Free will continue to focus on building support for action against modern slavery among governments, business, faith, and community organisations. Key focus areas will include:

- Launch of the Global Estimates of Modern Slavery at the UNGA in September 2017.
- The release of the 2018 Global Slavery Index measurement of the prevalence of modern slavery across 167 nations.
- The adoption of strong anti-slavery initiatives by Commonwealth Member Nations at the Summit in London in April 2018.
- Convening of business regional working groups to implement the Work Plan as agreed by business at the Bali Government and Business Forum. Recommendations from these working groups will be presented to government at the next Forum which is expected to be in Bali, in the second half of 2018.
- Launch of an Argentinian faith network against modern slavery in November 2018.

INTERNATIONAL PARTNERSHIPS

A key focus area under Australia's *National Action Plan* is to continue to strengthen our international leadership and regional cooperation to combat human trafficking and slavery.

INTERNATIONAL ENGAGEMENT

International Working Group on Human Trafficking and Slavery

The IWG comprises relevant Australian Government agencies to drive the government's international efforts on human trafficking and slavery, guided by the International Strategy to Combat Human Trafficking and Slavery. The IWG meets on approximately a quarterly basis to ensure coordination of counter-human trafficking activities across government agencies.

International reporting

The Australian Government is committed to working with the international community to improve global responses to human trafficking and slavery. During 2016-17, the Australian Government contributed to numerous international forums and reporting on human trafficking and slavery:

- Australia made statements on human trafficking and slavery at the 33rd, 34th and 35th sessions of the UN Human Rights Council and the 71st session of the UN General Assembly (UNGA).
- During the 71st UNGA session, Australia engaged in negotiating the UNGA resolution on trafficking in persons for organ removal.
- Australia co-sponsored the UNGA resolution on trafficking in women and girls, the resolution on the rights of the child, and the resolution on child, early and forced marriage.
- Australia co-sponsored the first ever UN Security Council Resolution (2331) on targeting human trafficking in conflict situations.
- Australia co-sponsored the UN Human Rights Council resolution on the Special Rapporteur on contemporary forms of slavery, including its causes and consequences.
- Providing information about Australia's response to human trafficking and slavery to inform the US Department of State's 2017 Trafficking in Persons Report.
- Australia appeared before UN human rights treaty bodies, including the Committee on Economic, Social and Cultural Rights.
- At the 61st session of the Commission on the Status of Women, the Minister for Women, Senator the Hon Michaelia Cash, delivered a joint Canada-Australia-New Zealand statement to the UN Security Council debate on Modern Slavery.

- At the 26th session of the UN Commission on Crime Prevention and Criminal Justice, Australia co-sponsored a resolution on gender mainstreaming in the criminal justice system, including in trafficking in persons cases. Australia also supported a resolution on the implementation of the UN Global Plan of Action to Combat Trafficking in Persons, incorporating language from the 2030 Agenda for Sustainable Development 8.7 on forced labour, modern slavery and trafficking in persons.

During 2016-17, DFAT supported the UNODC to develop a new *Global Handbook on International Legal Cooperation in Trafficking in Persons Cases* and an accompanying guide for practitioners. On 21 December 2016, the UNODC published the *2016 Global Report on Trafficking in Persons*. This is the pre-eminent UN report on the global challenge of human trafficking. During the previous 2015-16 reporting period, DFAT led Australia's whole-of-government input to inform the 2016 UNODC report.

AGD led Australia's whole-of-government input to the 2017 US Trafficking in Persons Report, published in June 2017. The report ranks countries against the US Trafficking Victims Protection Act's minimum standards. Australia maintained its Tier 1 rank in the report for the 14th consecutive year, highlighting Australia's strong response to human trafficking and slavery.

Alliance 8.7

During the 71st UNGA session in September 2016, the Minister for Foreign Affairs, the Hon Julie Bishop MP, participated in the launch of the Global Alliance to Eradicate Forced Labour, Modern Slavery and Human Trafficking and Child Labour – Alliance 8.7. Named for Sustainable Development Goal Target 8.7, it calls on all governments to take immediate and effective measures to eradicate these abuses by 2030. Since the launch, DFAT actively supported progress to operationalise Alliance 8.7 as a useful vehicle for bringing together key UN agencies, Member States, and non-government stakeholders to accelerate efforts and strengthen policy coherence in combating these abuses.

Ambassador for People Smuggling and Human Trafficking

The Ambassador for People Smuggling and Human Trafficking, Andrew Goledzinowski, continued to strengthen Australia's regional and global engagement in combating forced labour, modern slavery, human trafficking and child labour. Ambassador Goledzinowski encouraged UN efforts to strengthen coordination and develop a more strategic and coherent response. As senior official co-chair (with Indonesia) of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime*, he led efforts to develop the Bali Process Government and Business Forum, bringing together governments and the private sector in the region to develop and implement practical proposals to tackle human trafficking and slavery

Ambassador for Women and Girls

With UN Strategic Development Goal Target 5.2 explicitly recognising trafficking as a form of violence against women and girls, Australia's new Ambassador for Women and Girls, Dr Sharman Stone, commenced her role in January 2017. The Ambassador for Women and Girls has a mandate to support global and regional efforts to end trafficking of women and girls and support survivors. Her advocacy complements that of Ambassador for People Smuggling and Human Trafficking, Ambassador to ASEAN, and our regional diplomatic posts and key multilateral missions.

Gender Equality and Women's Empowerment Strategy

The Australian Government *Gender Equality and Women's Empowerment Strategy* (led by DFAT) reinforces the importance of considering and addressing the gender dimensions of trafficking and slavery related issues, including the particular vulnerabilities and needs of women workers and migrants, to ensure our responses are gender sensitive.

Protocol of 2014 to the Forced Labour Convention 1930

The Australian Government is also committed to leading regional efforts to tackle forced labour through the effective implementation of international labour standards. During 2016-17, the Australian Government assessed the compliance of Australian legislation with international obligations under the International Labour Organization's Protocol of 2014 to the *Forced Labour Convention 1930*.⁵⁶ This Protocol supplements the Forced Labour Convention and provides contemporary guidance on effective measures to be taken to eliminate all forms of forced labour and provide victims with protection and access to remedies.

International networks and liaison

The Australian Government ensures ongoing and close collaboration between government officials overseas. DIBP maintains a network of Integrity officers located offshore for the purpose of identifying, responding to and countering immigration fraud, including human trafficking. These officers work closely with the AFP deployed officers. Integrity officers vet the visa and citizenship caseload for evidence of fraud or other irregularities that may in turn indicate potential trafficking, as well as analysing information for trends relating to visa processing.

⁵⁶ The Australian Government announced its intention to ratify the Protocol following this reporting period, at the IV Global Conference on the Sustained Eradication of Child Labour, held in Argentina on 14-16 November 2017.

The AFP International liaison officer network continued to provide investigative assistance and support to both Australian-based and foreign law enforcement activities focused on countering human trafficking. The transnational nature of human trafficking requires this collaborative effort to effectively tackle these criminal activities and syndicates. The AFP has also been able to provide capacity building and training in support of regional law enforcement efforts against human trafficking.

UK Independent Anti-Slavery Commissioner visit to Australia

DFAT hosted the United Kingdom Independent Anti-Slavery Commissioner, Kevin Hyland, in Canberra and Sydney on 29-31 May 2017. Mr Hyland met with the Minister for Foreign Affairs, the then Minister for Justice, the Opposition, senior government officials, civil society, religious and business leaders. He also gave evidence at the JSCFADT parliamentary inquiry into establishing a Modern Slavery Act in Australia.

REGIONAL ENGAGEMENT

Enhancing regional cooperation to combat human trafficking and enable safe migration is a core part of our preventative approach to human trafficking and slavery in the region.

Bali Process

Australia is co-chair, alongside Indonesia, of the *Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime* (Bali Process). The 48 member Bali Process is a key platform for policy dialogue, information sharing and practical cooperation to address human trafficking and slavery in this region. DFAT coordinates Australia's whole-of-government engagement in the Bali Process. Australia co-chaired the 11th annual Ad Hoc Group Senior Officials' Meeting in Colombo, Sri Lanka, on 16 November 2016.

Australia, through the Bali Process, plays a key leadership role in the region to engage the private sector in eradicating human trafficking and slavery. During 2016-17, Australia led preparations for the inaugural Bali Process Government and Business Forum.⁵⁷ This involved engaging with the private sector throughout the region on combating human trafficking and related exploitation, including by promoting and implementing non-abusive labour practices in supply chains.

Australia co-chairs the Bali Process *Working Group on Trafficking in Persons* (TIPWG) with Indonesia. The TIPWG aims to promote more effective and coordinated law and justice responses to combat trafficking in persons in the Asia-Pacific region. On 25 May 2017, AGD and the Indonesian Ministry of Foreign Affairs co-chaired the third annual TIPWG meeting in Bali, Indonesia, following a two-day consultation workshop with Bali Process members. The TIPWG discussed strategies to strengthen the regional response to human trafficking and slavery and set its forward work plan for 2017-19. At this meeting, the TIPWG endorsed the new *Bali Process Policy Guide on Following the Money in Trafficking in Persons Cases*. The new policy guide focuses on using anti-money laundering tools to strengthen human trafficking investigations and prosecutions.



⁵⁷ The Bali Process Government and Business Forum was launched in the following reporting period, on 24-25 August 2017.

An expert Drafting Committee was established to create the new *Policy Guide on Following the Money in Trafficking in Persons Cases*. AGD co-chaired the Drafting Committee with the Indonesian Attorney-General's Office, which comprised members with relevant expertise from Indonesia, Bangladesh, the Philippines, Thailand, and the UNODC. The Drafting Committee met three times between September 2016 and February 2017 to draft the policy guide and related training. It will be published online, translated into regional languages and distributed to countries in the region alongside related training modules.



The Policy Guide on Following the Money in Trafficking in Persons Cases is the fifth in a suite of best-practice regional policy guides, alongside:

- *Bali Process Policy Guide on Identifying Victims of Trafficking.*
- *Bali Process Policy Guide on Protecting Victims of Trafficking.*⁵⁸
- *Bali Process Policy Guide on Criminalizing Trafficking in Persons.*
- *Bali Process Policy Guide on Criminalizing Migrant Smuggling.*⁵⁹

⁵⁸ Available at <http://www.baliprocess.net/regional-support-office/policy-guides-on-identification-and-protection-of-victims-of-trafficking/>

⁵⁹ Available at <http://www.baliprocess.net/regional-support-office/policy-guides/>

The suite of policy guides enable sharing of best practice approaches to combat transnational crime across the region. They are readily accessible online and have been translated into several regional languages. An ongoing priority of the TIPWG is to promote and provide training on the guides to regional countries, to facilitate their effective implementation and use. During 2016-17, AGD delivered multiple regional training workshops on the Bali Process policy guides:

- AGD delivered pilot training modules on the *Policy Guide on Following the Money in Trafficking in Persons Cases* in Sri Lanka in January 2017 and in Laos in March 2017.
- AGD and the Bali Process Regional Support Office co-delivered training for junior law enforcement officers on the Bali Process policy guides in Vietnam in August 2016.
- AGD delivered training on the Bali Process policy guides as part of the ARLEMP 43 training program in June 2017 (see page 142).

During 2016-17, the AFP led Australia's participation in the Bali Process *Working Group on Disruption of People Smuggling and Trafficking in Persons Networks* (co-chaired by Malaysia and NZ). Under the Working Group's second Joint Period of Action in 2016, law enforcement and immigration agencies from ten countries (Australia, Bangladesh, Indonesia, Malaysia, the Maldives, New Zealand, the Philippines, Sri Lanka, Thailand and the USA) coordinated nine joint operations for crimes including people smuggling and trafficking for the purposes of labour exploitation. The Working Group commenced its third Joint Period of Action in March 2017.

Australia-Asia Program to Combat Trafficking in Persons (AAPTIP)

The Australian Government's \$50 million Australia-Asia Program to Combat Trafficking in Persons (AAPTIP, 2013-18) is one of Australia's largest aid investments in Southeast Asia and aims to strengthen criminal justice responses to trafficking at both national and regional levels by:

- training investigators, prosecutors and judges to increase rates of fair and just convictions
- establishing and supporting specialist units to investigate and prosecute trafficking in persons cases
- facilitating cross-border cooperation partnerships to establish investigations and assisting trafficked victims involved in trafficking in persons trials, and
- boosting regional coordination and exchange of information.

AAPTIP supported the drafting of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (the Convention), signed in November 2015 by ASEAN leaders. The Convention came into force on 8 March 2017, with eight countries ratifying as at 30 June 2017.⁶⁰ Australia is supporting ASEAN member states to develop an associated Regional Work Plan to support implementation of the Convention. A landmark human trafficking case with over 60 defendants in Thailand is an example of the contribution of AAPTIP's partnerships in ASEAN.⁶¹ Law enforcement officers, prosecutors and judges are reporting increased effectiveness in the workplace as a result of training provided by AAPTIP. Investigations under cross-border cooperation partnerships are demonstrating tangible results, including the rescue of victims, arrests and prosecution of traffickers.

Signalling Australia's ongoing commitment to address human trafficking in Southeast Asia, DFAT commenced designing a new human trafficking investment in 2016-17. Building on the successes of the Government's long-standing human trafficking work in the criminal justice sector, the design will involve consideration of how Australia can broaden and deepen assistance and bolster ASEAN Member States' efforts to implement obligations under ACTIP.

TRIANGLE IN ASEAN

Through the \$20 million Tripartite (referring to government, unions and employers) Action to Enhance the Contribution of Labour Migration to Growth and Development in ASEAN (TRIANGLE IN ASEAN) project (2015-2025), Australia is working with the International Labour Organization (ILO) encourage safe and legal migration within the region. The project helps ASEAN countries reform their labour migration policies and legislation, and provides legal and financial advice to prospective migrant workers and their families.

⁶⁰ Indonesia also agreed to ratify the Convention on 20 October 2017.

⁶¹ This human trafficking case was finalised following the reporting period, in July 2017.

ILO Better Work Programme

Australia also supports other programs to prevent serious forms of labour exploitation in supply chains in the Indo-Pacific. The ILO Better Work Programme (\$5 million, 2016-19) helps improve labour standards and reduce gender discrimination in garment factories in developing countries, in partnership with the private sector. Recent program highlights include

- expanding the program into Bangladesh in June 2016
- a gender analysis during 2016 in Cambodia and corresponding gender action plan targeting improved data collection and reporting, staff capacity and revision of training and advisory materials, and
- the growth of the Vietnam program, now reaching more than one in five garment workers in Vietnam.

At the global level, in late 2016, Better Work published the results of an impact assessment demonstrating the positive impact of Better Work on a range of working conditions, including a reduction in abusive practices and a decrease in the gender pay gap in some countries, such as Vietnam. Better Work has also published a new program strategy for the period from 2017 to 2022, identifying a 'stronger women's voice and representation' and 'women in leadership in factories' as intended program outputs, with a clear goal of achieving greater gender equality.

Preventing the Exploitation of Women Migrant Workers in ASEAN

Managed by UN Women, *Preventing the Exploitation of Women Migrant Workers in ASEAN* project (\$2 million, 2014-17) contributes to preventing labour exploitation among women migrant workers by providing policy advice to countries in the region and advocating for the rights of women migrant workers. The project has provided ASEAN decision makers with access to evidence-based policy options for preventing the exploitation of migrant workers. It has also helped ASEAN institutions and civil society organisations undertake advocacy activities to prevent and eliminate exploitation of women migrant workers, and assisted female migrants and public interest groups understand the risks associated with migration and their legal rights.

ASEAN Senior Officials' Meeting on Transnational Crime

The Australian Government engaged with the ASEAN Senior Officials' meeting on transnational crime to strengthen our cooperation to combat human trafficking and to underscore Australia's commitment to assist ASEAN member countries to implement the *ASEAN Convention against Trafficking in Persons, especially Women and Children*.

UN Guiding Principles on Business and Human Rights

To inform consultations on implementation of the UN Guiding Principles on Business and Human Rights, DFAT commissioned and published a Stocktake on Business and Human Rights in Australia. In 2016-17, a Multi-Stakeholder Advisory Group on Implementation of the UN Guiding Principles on Business and Human Rights provided expert advice as part of these consultations.⁶²

Responsible volunteering

DFAT's Smartraveller website contains information for Australian travellers on responsible volunteering, including volunteering with children. This link is also available on the DFAT website (related to the Australian Volunteers for International Development pages).

Regional technical capacity building, legal assistance and law enforcement activities

Indonesia

From 2015 to 2017, AGD funded and co-delivered a project with the Indonesian Attorney-General's Office and International Organisation for Migration to support Indonesia to strengthen prosecutions for trafficking in persons and related transnational crime. The project involved a legal review of Indonesia's criminal justice response and key prosecution challenges in trafficking in persons cases, which was launched in September 2016. The legal review informed revisions to a handbook for law and justice officials in Indonesia, titled "Guidelines: Law Enforcement and Victims Protection in Handling Trafficking Cases". The project also involved revisions to a related training manual and delivering train-the-trainer workshops to prosecutors across Indonesia during April and May 2017.⁶³



⁶² The Australian Government will focus efforts on a number of key initiatives to further business and human rights in Australia. This includes introducing legislation to establish a Modern Slavery in Supply Chains Reporting Requirement, announced following this reporting period, in August 2017.

⁶³ The updated handbook and related training module were publicly launched after this reporting period, on 9 November 2017, and distributed to law and justice officials across Indonesia.

Malaysia

AGD, the AFP and the CDDP partnered with the Malaysian Attorney-General's Chambers to deliver a human trafficking prosecution training workshop in Putrajaya, Malaysia from 14-16 February 2017. The workshop brought together some 46 prosecutors, judges, judicial officers and policy officials from across Malaysia. The program was designed to support the delivery of successful criminal justice outcomes and enhanced witness protection in the context of human trafficking cases through peer-to-peer learning and the sharing of expertise and experience.

Sri Lanka



AGD, in collaboration with CDDP and AFP, hosted the sixth and seventh annual Prosecutor Pairing Programs with prosecutors from Sri Lanka's Attorney-General's Department from 7 -11 November 2016, and from 3-7 April 2017. The programs are key deliverables under the Sri Lanka-Australia Joint Working Group on People Smuggling and Other Transnational Crime. Key areas of focus in the programs were victim and witness protection, and using financial

investigations in human trafficking cases. Australia and Sri Lanka shared insights and common challenges on prosecuting human trafficking and related transnational crime. The programs brought together police and prosecutors to foster increased understanding and collaboration on combatting these crimes.

On 15 June 2017, AGD delivered training to diplomatic officials at the Bandaranaike International Diplomatic Training Institute (BIDI) Training Programme on Combatting People Smuggling and Trafficking in Persons, in Sri Lanka. The training focused on trafficking in persons, people smuggling and related transnational crime, particularly identifying and protecting victims.

Vietnam

AGD partnered with the UNODC and Vietnam's Ministry of Justice to deliver a workshop on implementation of Vietnam's revised Penal Code 2015, specifically those Code amendments relating to human trafficking, people smuggling and money laundering offences. The workshop took place in Hoi An, Vietnam, from 29 August to 1 September 2016. Representatives from Vietnam's Ministry of Justice, courts and law enforcement attended the workshop. The workshop was delivered at the request of Vietnam and complements similar successful workshops held in Ho Chi Minh City and Hanoi in May 2016.



For the past 13 years, the AFP, alongside the Vietnam Ministry of Public Security and RMIT University, has conducted the Asia Region Law Enforcement Management Program (ARLEMP). ARLEMP is a three-week training program which aims to enhance the capacity of police to work together to combat transnational crime. The ARLEMP 43 program was delivered during the 2016-17 reporting period in June 2017, in Vietnam, having focused specifically on the theme of

human trafficking and people smuggling. This training strengthens the capacity for law enforcement to understand the nature and extend of human trafficking and people smuggling crimes, victim and witness support, and evidence collection. The program also included a focus on money laundering and proceeds of crime actions.

AGD also partnered with the Regional Support Office of the Bali Process Regional Support Office to deliver training on the Bali Process Guides on criminalising migrant smuggling and trafficking in persons, and on identifying and protecting victims of trafficking to the People's Police Academy of Vietnam. This training increased Vietnamese law enforcement officials' understanding of, and capacity to implement, international standards on human trafficking, people smuggling and related transnational crime.



ASEANAPOL

On 8-12 May 2017, AGD hosted a human trafficking prevention and investigation workshop at the Jakarta Centre for Law Enforcement Cooperation in Semarang, Indonesia. The workshop brought together 20 law enforcement officers from ten countries across the Asia-Pacific region and strengthened their capacity to effectively prevent and investigate human trafficking cases, including through proactive and disruptive investigative techniques. The workshop also enhanced interagency cooperation and improved participants' capacity to implement international standards and best practice principles on victim identification and protection.

Regional activities to address irregular migration

Bali Process Regional Support Office

DIBP works closely with domestic and international stakeholders through the Bali Process to develop regional responses to current challenges and implement practical workshops on border control, law enforcement and human trafficking. Through the Regional Support Office of the Bali Process, DIBP supports a range of initiatives that pursue the reduction of irregular migration. These initiatives enhance migration management and border security, and promote mechanisms to improve access to protection and durable solutions for refugees and other vulnerable people in the region. The Regional Support Office facilitates capacity building, exchange of best practice, sharing of technical resources and supporting joint projects with Bali Process member states.

International Border Cooperation Program

The International Border Cooperation Program, formerly the Regional Skills Development Program, supports technical skills development activities to enhance the capacity of governments to better detect, deter and disrupt irregular migration. Activities include document examination, intelligence analysis, facial image comparison, vessel search, border force investigations training, and counter-terrorism and foreign terrorist fighter workshops. In 2016 -17, the International Border Cooperation Program provided funding for 51 training activities to 49 countries in the Asia-Pacific, Middle East and African regions.

RESEARCH

The Australian Institute of Criminology (AIC) has undertaken research into human trafficking and slavery since 2007. During 2016–17, the AIC published research reports examining labour exploitation in the Australian construction industry, and the role of migration brokers in facilitating workplace exploitation, human trafficking and slavery. The AIC continued research projects to better understand the attrition of human trafficking and slavery cases through criminal justice processes, to canvass and examine the application of prevention activities and interventions for human trafficking and slavery, and to effectively monitor human trafficking and slavery in Australia by improving and standardising the collection of statistical information. In 2016 the AIC also finalised a comprehensive report on forced marriage in Australia and New Zealand.

Publications

Hedwards B, Andrevski H & Bricknell S 2017. Labour exploitation in the Australian construction industry: Risks and protections for temporary migrant workers. *Research Report no. 02*. Canberra: Australian Institute of Criminology. <http://aic.gov.au/publications/current%20series/rr/rr002.html>

Renshaw L 2016. Migrating for work and study: The role of the migration broker in facilitating workplace exploitation, human trafficking and slavery. *Trends and Issues in Crime and Criminal Justice no. 527*. Canberra: Australian Institute of Criminology. <http://www.aic.gov.au/publications/current%20series/tandi/521-540/tandi527.html>

Presentations

Lyneham S 2016. When saying no is not an option: Forced marriage in Australia & New Zealand. Paper to the 29th annual Australian and New Zealand Society of Criminology Conference, Hobart, 30 November-2 December.

FUTURE FOCUS

The next reporting period from 1 July 2017 to 30 June 2018 (2017-18) marks the third year of the National Action. During 2017-18, the Australian Government will continue to work closely with key partners within Australia and internationally, utilising the National Roundtable on Human Trafficking and Slavery to effectively implement the National Action Plan.

The Australian Government will continue to implement and strengthen its comprehensive domestic response to human trafficking and slavery. Since its establishment on 23 December 2017, the Department of Home Affairs will drive the whole-of-government response to human trafficking and slavery. Over 2017-18, the Department of Home Affairs will deliver meetings of the IDC, National Roundtable, its Senior Officials' Meeting and its working groups to enable ongoing dialogue, collaboration and cooperation to combat these severe crimes. The Australian Government values the strong partnerships with, and ongoing dedication of, non-government stakeholders. Civil society, business and industry, academia and unions are vital partners in effectively implementing Australia's strategy to address human trafficking and slavery.

In 2017-18, the Australian Government will progress initiatives to combat exploitation within the supply chains of goods and services in Australia. In August 2016, the Government committed to take forward a recommendation of the Supply Chains Working Group, by establishing a Modern Slavery in Supply Chains Reporting Requirement. This will require large businesses to report on their actions to address modern slavery risks in their operations and supply chains. The Government will refine the reporting requirement in close consultation with the business community and civil society stakeholders, with the aim to introduce legislation in the first half of 2018. This initiative has already received broad support from businesses and civil society, and it is vital that all players work closely together to strengthen the response to human trafficking and slavery in supply chains. The Government will progress more recommendations of the Supply Chains Working Group, as part of this proposal.

The Australian Government will continue its focus on addressing exploitative labour practices and strengthening protections for vulnerable workers, including through its response to the report of the Migrant Workers' Taskforce. The Labour Exploitation Working Group will report to the National Roundtable in 2018 with recommendations to address serious forms of labour exploitation amounting to human trafficking and slavery.

In 2017-18, the Australian Government will continue to work closely with the Australian Red Cross to ensure the needs of trafficked people are met. The Australian Government will develop new policy options for the STPP, particularly for the forced marriage cohort. In 2017-18, the Australian Government will ensure that Australia's response to forced marriage remains robust and coordinated in order to adequately protect victims and at-risk individuals from instances of forced marriage.

In 2017-18, the Australian Government will continue to proactively respond to parliamentary inquiries on human trafficking and slavery. The Government will table its response to the Parliamentary Joint Committee on Law Enforcement report “An inquiry into human trafficking, slavery and slavery-like practices”, and the JSCFADT report “Hidden in Plain Sight: An inquiry into establishing a Modern Slavery Act in Australia.” The Australian Government will also continue its participation in the JSCFADT inquiry into human organ trafficking and organ transplant tourism.

In 2017-18, the Australian Government will continue to show strong and active leadership in the region and internationally to combat human trafficking and slavery, including through the Bali Process. Under the Bali Process Working Group on Trafficking in Persons Forward Work Plan 2017-19, Australia will collaborate with regional partners to promote effective engagement with the private sector and civil society organisations on combatting human trafficking, and promote the use of the Bali Process policy guides to enhance regional capacity to respond to these crimes. The Australian Government will drive the Bali Process Government and Business Forum, launched on 24-25 August 2017. During 2017-18, business will develop proposals for practical steps governments and business can take to eliminate human trafficking and slavery. These are due to be presented at the next Bali Process Regional Ministerial Conference in late 2018.

In 2017-18, the Australian Government will continue to work with law enforcement and justice officials in partner countries to strengthen criminal justice responses in the region to reduce the incentives and opportunities for human trafficking and slavery. The Australian Government will commence a new human trafficking investment in late 2018, to support ASEAN Member States’ to implement obligations under the ASEAN Convention Against Trafficking in persons, Especially Women and Children.

In 2017-18, the Australian Government will progress ratification of the International Labour Organization’s Protocol of 2014 to *the Forced Labour Convention 1930*, leading regional efforts to tackle forced labour. As Chair of the Alliance 8.7 Global Coordinating Group, Australia will also lead the coordinated global response to Sustainable Development Goal Target 8.7, to eradicate forced labour, modern slavery and human trafficking by 2030.

The Australian Government will continue to invest in and strengthen the response to human trafficking and slavery over the coming years.



