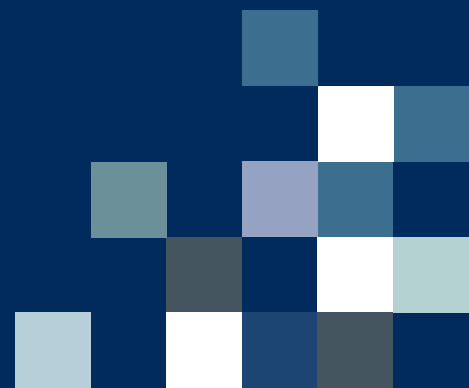




Australian Government

Anti-Human Trafficking

Community Resource



The Anti-Human Trafficking Community Resource has been produced by the Australian Federal Police. Requests for permission to reprint material appearing in the Anti-Human Trafficking Community Resource and all general correspondence should be addressed to:

National Coordinator Human Trafficking
Crime Operations
GPO Box 401
Canberra ACT 2601

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AFP

AUSTRALIAN FEDERAL POLICE

HUMAN TRAFFICKING



Recruitment — Transportation — Slavery — Servitude



ANTI-HUMAN TRAFFICKING

Recruitment — Transportation — Slavery — Servitude

Foreword

It is with great pleasure that I present the first Anti-Human Trafficking Community Resource.

This document is the product of the first Human Trafficking Collaborative Awareness Discussion Exercise held in April 2011. The discussion exercise was an excellent opportunity to advance our collective understanding of the best ways to combat people trafficking, and to boost our collaborative efforts to do so. I was gratified by the wide participation in the discussion exercise and thank everyone involved for your assistance in developing this resource.


The business of people trafficking is to generate profits and satisfy greed at the cost of human dignity and rights. It is a practice that diminishes us all. It is not a crime that can be dealt with by government alone and in isolation from the community. People trafficking requires all sections of the community to be aware of this crime and to report it whenever they encounter the signs of trafficking, slavery and exploitation.

The discussion exercise focused on both trafficking into the sex industry for sexual servitude and trafficking into other industries for other kinds of forced labour. This reflects the Australian Government's commitment to combat all forms of trafficking, slavery-like practices and associated criminal conduct.

The resource outlines:

- the legislative powers conferred on Commonwealth, State and Territory governments to combat human trafficking and exploitation
- the services provided by non-government organisations to refer, support, care for and protect victims
- the responsibilities of regulators in overseeing compliance and imposing sanctions, and
- the participation by industry and union bodies in providing education and awareness raising to employers and organisations in the community.

I commend the Anti-Human Trafficking Community Resource to you as a vital tool for enhancing our collective approach to combating human trafficking.



The Hon Brendan O'Connor MP
Minister for Home Affairs and Justice



Members of the Anti-Human Trafficking Community

It is with great pleasure that I am able to present to you the first Anti-Human Trafficking Community Resource to support the collective disruption of the abusive trade in humans. The business of human trafficking to generate profits and satisfy greed at the cost of human dignity and basic human rights is a socially repugnant practice. This innovative document is an outcome from the April 2011 Human Trafficking Collaborative Awareness Discussion Exercise in which your agency actively participated and was developed from information that you provided for that event – we all own it. This resource contains information that outlines:

- legislative powers used by Commonwealth, State and Territory jurisdictions to combat human trafficking and exploitation
- services provided by non-government organisations to refer, support, care for and protect victims, and
- responsibilities of regulators, industries and union bodies in providing sanctions, and education to various employers and organisations in the community.

I believe that the discussion exercise clearly represented a positive measure for taking the fight against Human Trafficking to the next level collaboratively. This crime type must be addressed innovatively and robustly from all fronts of our community including; industry, unions, non-government organisations, law enforcement and of course government. This is not a crime type that can be dealt with in isolation of the community nor is it a crime type that is always effectively dealt with through the judicial system.

The challenge for each and every member of the Anti-Human Trafficking Community is to prevent, investigate and disrupt trafficking operations before victims are generated. In pursuing and irrespective of these outcomes, we need to be able to provide coordinated and satisfactory care and protection for victims.

We have a great opportunity to work together using the knowledge and relationships developed at the coalface to inform and enhance the Government's response to this crime type. On your behalf, we commend this resource to you so that we can continue to enhance our collective approach to combating the business of human trafficking.

Yours sincerely



T. W. Negus APM
Commissioner
Australian Federal Police



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Anti-Slavery Australia, University of Technology, Sydney

Anti-Slavery Australia is dedicated to eliminating all forms of trafficking and slavery through research, policy development, law reform, professional practice, education and advocacy to support the human rights of trafficked, enslaved and exploited people. Anti-Slavery Australia is the only specialist law and research centre dedicated to advancing the rights of people who are victims of human trafficking and have experienced extreme forms of exploitation and currently represents over 70 men, women and children. All staff engaged in client legal advice services are qualified lawyers and registered migration agents delivering high quality legal advice and representation and work at Anti-Slavery Australia is conducted in accordance with professional practice standards. Anti-Slavery Australia works with members of the Anti-Slavery Australia pro bono legal network.

Anti-Slavery received funding from the Commonwealth Attorney-General's Department to raise awareness of all forms of trafficking. In 2011 three community service announcements (CSAs) will be screened through cinemas nationally, on free-to-air TV and on Foxtel. The CSAs show trafficking in the commercial hospitality sector, agricultural work and into private homes. Additionally, as part of the grant, four longer films will be released for the community, legal and health practitioners and secondary school students.

Anti-Slavery Australia has an active outreach and community education program, presents training to community and government agencies about trafficking, how to identify trafficking and responses to trafficking.

Areas of current research include forced marriage, financial compensation for trafficked people, the intersection between labour exploitation and trafficking and the role of the Fair Work Ombudsman.

PARTNERSHIPS & WORKING RELATIONSHIPS

- Commonwealth Attorney-General's Department
- Anti-Slavery Australia pro bono legal network
- Australian Federal Police
- Department of Immigration and Citizenship
- Office for Women
- ACRATH
- Asian Women at Work
- Australian Red Cross
- Immigrant Women's Speakout
- Migrante
- Mission Australia
- Project Respect
- Salvation Army
- Scarlet Alliance
- Sydney Trafficking Response Network
- St Vincent de Paul

SERVICES PROVIDED

Anti-Slavery Australia is a specialist legal centre supporting people who have been trafficked and exploited in Australia by providing pro bono, independent legal advice and representation.

Anti-Slavery Australia's legal work involves migration law including:

- obtaining visas under the people-trafficking visa framework
- primary and review applications
- ministerial intervention requests
- citizenship
- criminal law
- employment law
- housing and tenancy
- family law
- victim's compensation.

Anti-Slavery pursues victims' compensation claims through the NSW Victims Compensation Tribunal and advises about other avenues of civil compensation where appropriate. Some of this work is done in partnership with members of the Anti-Slavery Project pro bono network. We also make referrals to the Fair Work Ombudsman for assistance in recovering unpaid wages.

Anti-Slavery convenes the Sydney Trafficking Response Network bringing together a range of community based groups working collaboratively to address trafficking, pool resources and consult about the development of best practice responses and policy initiatives.

Anti-Slavery Australia makes referrals to other organisations where appropriate, especially for housing, counselling and accommodation services.

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AusAID

AusAID supports and contributes to the Australian Government's anti-people trafficking strategy and is committed to defending and promoting human rights.

The Australian Government's overseas aid program focuses on the core objective of poverty reduction with a continued focus on the Millennium Development Goals¹ (MDGs). There are five strategic objectives; saving lives; promoting opportunities for all; investing in food security, sustainable economic growth and private sector development; supporting security and quality governance and strengthening civil society; and, preparing for and responding to natural disasters.

By focusing on these key development priorities, Australia is helping to address the underlying causes of human trafficking and other exploitative labour practices that prevent people from becoming victims and that are essential for a sustainable long-term approach to combating human trafficking for exploitation.

AusAID also supports a number of targeted activities to help governments and communities in the region to combat human trafficking.

- Asia Regional Trafficking in Persons Project (ARTIP): to strengthen the capacity of criminal justice systems in South East Asia to identify and prosecute traffickers and to improve the treatment of victims. A new phase of anti-trafficking work is being developed to build on and extend the achievements of this project, which concluded in August 2011.
- Tripartite Action to Protect Migrants in the Greater Mekong Sub-region from Labour Exploitation (TRIANGLE): working with the International Labour Organisation, to reduce and prevent the exploitation and trafficking of migrant workers.
- Project Childhood: partnering with the United Nations Office on Drugs and Crime and Interpol and assisted by the AFP, to prevent the commercial sexual exploitation of children in the Mekong Sub-region.
- MTV EXIT: partnering with USAID to support awareness-raising concerts and media events in South East Asia.
- An important part of the Australian aid program's anti-trafficking effort is the ongoing support to non-government and other organisations including UNICEF, that work directly on child protection, support for victims of human trafficking, and related issues.

OPERATIONAL PARTNERSHIPS

- | | |
|-------------------------------------|--------------------------|
| • Australian Federal Police | • ASEAN |
| • Interpol | • UNICEF |
| • International Labour Organisation | • World Vision Australia |
| • UNIAP | • Save the Children |
| • UNODC | |

CONTACT INFORMATION

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¹ The Millennium Development Goals are eight international development goals that all 192 United Nations member states, and at least 23 international organisations, have agreed to achieve by the year 2015. They include eradicating extreme poverty, reducing child mortality rates, fighting disease epidemics such as AIDS, and developing a global partnership for development. <http://www.un.org/millenniumgoals/bkgd.shtml> viewed 20.06.2011.



www.acrath.org.au
People are NOT for sale

Australian Catholic Religious Against Trafficking in Humans

Australian Catholic Religious Against Trafficking in Humans (ACRATH) is committed to working together with other like-minded groups towards the elimination of human trafficking in Australia, the Asia Pacific region, and internationally.

ACRATH is endorsed by Catholic Religious Australia – the peak body for 180 religious orders in Australia, representing 8000 religious sisters, brothers and priests.

ACRATH has three objectives:

Objective 1: To raise awareness of human trafficking, its causes and the scope for local action.

Objective 2: To undertake work to ensure that the needs of people trafficked into Australia are met. These include: education and retraining, access to financial compensation, meeting physical needs (medical, dental and other health needs) and pastoral care.

Objective 3: To collaborate with like-minded organisations in Australia, in the Asia Pacific region and internationally to advocate for measures to address human trafficking.

PARTNERSHIPS AND NETWORKS

- Red Cross
- Project Respect
- Anti-Slavery Australia
- Scarlet Alliance
- Stop The Traffik Australia
- Caritas
- CRA – Catholic Religious Australia
- UISG – International Union of Superiors General

SERVICES PROVIDED

In ACRATH's strategic plan, there are three objectives which direct the services ACRATH provides and the work ACRATH does.

Objective 1:

To raise awareness of human trafficking, its causes and the scope for local action.

1. ACRATH conducts awareness raising with a range of community organisations, including promotion of FAIRTRADE with Catholic and other church groups, and specific community groups, eg young people, members of CALD (culturally and linguistically diverse) communities; and
2. ACRATH uses its e-newsletter to disseminate information to ACRATH members and supporters; ACRATH uploads to its website, at least weekly, to provide information and resources to the general public, about trafficking and counter-trafficking initiatives.

Objective 2:

To undertake work to ensure that the needs of people trafficked into Australia are met. These include: education and retraining, access to financial compensation, meeting physical needs (medical, dental and other health needs) and pastoral care.

1. ACRATH offers basic needs support and a one-to-one pastoral response to the people on the Red Cross managed Support for Trafficked People Program, and to other trafficking survivors.
2. ACRATH works to ensure existing support services are accessible to trafficking survivors, for example;
 - English and Technology and Further Education (TAFE) courses. ACRATH is investigating ways in which state jurisdictions can provide access to English and TAFE courses for trafficking survivors without incurring overseas student costs. ACRATH is committed to assisting with the provision of opportunities for trafficking survivors to learn new skills that may assist future employment prospects.
 - Housing support. ACRATH has raised the need for better housing options with the Australian government, and at the Committee on the Elimination of Discrimination Against Women at the United Nations in New York. ACRATH also attempts to assist with the provision of short-term housing and support for trafficking survivors on the Red Cross program, as well as for people who ‘fall through the cracks’, people who do not want to/or cannot identify themselves to authorities.
 - Compensation. ACRATH, as a pro bono client of Allens Arthur Robinson and within the anti trafficking network in Australia, is active in working to facilitate trafficking survivors’ access to financial compensation for the crime committed against them. ACRATH sees this as both a tangible means of enabling trafficking survivors to begin their life again, and also a public recognition that a crime has been committed against these persons.

Objective 3:

To collaborate with like-minded organisations in Australia, in the Asia Pacific region and internationally to advocate for measures to address human trafficking.

1. ACRATH builds relationships with Australian Catholic organisations and their international connections to strengthen Australia’s anti trafficking response (eg Mercy Global Concern, UNANIMA International, Franciscans International, Sisters of St Joseph, Good Shepherd, Presentations International, Caritas) by planning an annual action focus with non-government organisation partner representatives;
2. ACRATH develops existing partnerships with other groups/agencies working on trafficking in Australia by attending meetings annually in up to five states: Anti-Slavery Australia, Project Respect, Scarlet Alliance, Red Cross, Stop the Traffik, Caritas; and
3. ACRATH works annually with Members of Parliament, their advisors and public service managers federally, and in the states in which ACRATH is active.

CONTACT INFORMATION

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Web: www.acrath.org.au



Australian Federal Police

On 30 May 2011, the AFP Transnational Sexual Exploitation and Trafficking Team was renamed the Human Trafficking Teams (HTTs) to better reflect the full extent of human trafficking investigations undertaken. HTTs national and international operations and policy development is managed from AFP Headquarters in Canberra. There are specialist HTTs in Sydney, Melbourne and Brisbane.

Australia's response to human trafficking reflects our obligations as party to the United Nations Convention against Transnational Organized Crime (UNTOC) since 2004 and its supplementary Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children since 2005.

As part of the Bali Process, the AFP also provides training to law enforcement agencies in the region to combat human trafficking and related offences. Australia is a co-chair and founder of the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime.

The AFP supports the whole-of-government focus on preventing human trafficking, prosecuting the perpetrators and protecting and supporting victims. AFP HTTs undertake investigations into human trafficking for the purposes of sexual and or labour exploitation, slavery and organ harvesting.

AFP investigators seconded to HTTs undertake a rigorous training program specific to this crime type. The AFP also makes positions available to state, territory and foreign police on this program. The program provides investigators with the knowledge and skills to undertake specialist investigations in this crime type.

HTTs in accordance with the revised *Australian Policing Strategy to Combat Trafficking in Persons 2011-13* and in cooperation with State and Territory Policing partners and other government agencies are increasing efforts to combat trafficking for labour exploitation.

AFP Child Protection Operations (CPO) has responsibility for the online protection of children. This includes the identification, investigation, prosecution and disruption of online child sex exploitation and travelling child sex offenders. AFP works closely with domestic and international law enforcement to achieve these results.

The AFP International Network of police liaison officers is critical to the work of HTTs. It assists with matters where extraterritorial offences are identified. The International Network can also assist with mutual assistance, taking of witness statements, sharing of intelligence and repatriation of victims of trafficking.

The International Network has members posted to 30 countries, providing a valuable capability to cooperatively address human trafficking investigations.

The Criminal Asset Confiscation Taskforce is a multi-agency partnership between AFP, the Australian Crime Commission, the Australian Taxation Office and the Commonwealth Director of Public Prosecutions. The Taskforce is committed to identifying and removing the profits derived from criminal activity, including from human trafficking activities.

The Taskforce has teams in Canberra, Sydney, Melbourne, Brisbane and Perth consisting of specialists in forensic accounting and financial investigations. It has the resources and ability to target criminals anywhere in Australia and work collectively with international partners.

OPERATIONAL PARTNERSHIPS

- Australian Crime Commission
- Attorney-General's Department
- Commonwealth Director of Public Prosecutions
- Australian Taxation Office
- Department of Immigration and Citizenship
- State and Territory Police
- Office for Women in the Department of Families, Housing, Community Services and Indigenous Affairs
- Australian Red Cross
- Non-government organisations

LEGISLATIVE POWERS/REGULATORY

Criminal Code Act 1995

Division 270. Slavery, sexual servitude and deceptive recruiting

Penalty - imprisonment for 25 years.

Criminal Code Act 1995

Division 271. Trafficking in persons and debt bondage

Penalty - imprisonment for 25 years.

Criminal Code Act 1995

Division 272. Child sex offences outside Australia.

Penalty - imprisonment for 25 years.

Criminal Code Act 1995

Division 370 and 372. Dealing in identification information in relation to the commission of a Commonwealth indictable offence.

Penalty - imprisonment for 5 years.

ACT Policing Legislative Framework with offence provisions relating to human trafficking are:

- *Crime Act 1900*
- *Children and Young People Act 2008*
- *Criminal Code 2002*
- *Confiscation of Criminal Assets Act 2003*
- *Prostitution Act 1992.*

INFORMATION REPORTING

To report a suspected human trafficking offence, call 131 AFP (131 237) or report a crime at www.afp.gov.au.

CONTACT INFORMATION

Phone: + 61 2 6131 3000
Postal address: AFP Headquarters
GPO Box 401
Canberra ACT 2601

Email: humantrafficking@afp.gov.au
Web: www.afp.gov.au
www.police.act.gov.au



Australian Red Cross
THE POWER OF HUMANITY

Australian Red Cross

The International Red Cross and Red Crescent Movement is made up of 186 National Societies and together they form the world's largest humanitarian organisation. Australian Red Cross is a part of this Movement.

The Movement also includes the International Federation of Red Cross and Red Crescent Societies as coordinating body, and the International Committee of the Red Cross (ICRC) which works mostly in areas of conflict.

Our Movement's mission is to prevent or reduce human suffering, wherever it is found. Our Fundamental Principles of humanity, neutrality and independence guide us in this mission. Red Cross is independent of government and has no political, religious or cultural affiliations.

With a vibrant and varied history, from its origins in the aftermath of battle in 1859 as the vision of founder Henry Dunant, through two world wars and up to today - we help tens of millions of people around the world each year and care for local communities in Australia and Asia Pacific.

Addressing the impact of migration has been identified as a key priority area for the Australian Red Cross and the bulk of its work on this issue takes place within the Migration Support Programs Department, of which the Support for Trafficked People Program is one of six programs. The others are: the Asylum Seeker Assistance Scheme, the Community Assistance Support Program, the Community Detention Program, the Immigration Detention Program and the International Tracing Program.

PARTNERSHIPS

- Australian Federal Police
- Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA)

SERVICES PROVIDED

The Support for Victims of People Trafficking Program (the Program) provides support to victims who are giving evidence in judicial proceedings against their alleged traffickers.

The program is government funded through FaHCSIA (Office for Women) and referrals to the Program are received from the Australian Federal Police.

Referred clients are assessed for their suitability for the program by the Australian Federal Police prior to being referred.

The Department of Immigration and Citizenship coordinates the visa framework and cases are prosecuted through the Commonwealth Director of Public Prosecutions.

The Program provides support for clients to meet their basic needs for safety, food, accommodation, mental and physical health and well-being. It also provides opportunities for clients to learn new skills and supports them to develop options to facilitate their reintegration upon returning to their country of origin, or if staying in Australia, after they leave the Program.

The Program recognises that clients are vulnerable and have individual and varied needs. Support plans for clients reflect those needs.

Australian Red Cross provides a 24 hour a day, 7 days a week national response within all states and territories in Australia to assist clients in urgent need and respond to referrals from the AFP, as required.

CONTACT INFORMATION

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Australian Taxation Office

The Australian Taxation Office is the Government's principal revenue collection agency responsible for the general administration of a wide range of taxation and superannuation legislation.

OPERATIONAL PARTNERSHIPS

- Australian Federal Police
- Australian Crime Commission
- State and Territory Police
- Commonwealth Director of Public Prosecutions
- Centrelink
- Department of Immigration and Citizenship
- Australian Customs and Border Protection Service
- Australian Securities and Investment Commission

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

The Commissioner of Taxation has power to issue or amend assessments to include the profits derived from criminal activity.

Laws administered by the Commissioner of Taxation include:

- *Income Tax Assessment Acts 1936 and 1997 (ITAA)*
- *International Tax Agreements Act 1953*
- *Taxation Administration Act 1953 (TAA)*
- *A New Tax System (Goods and Services Tax) Act 1999*
- *Excise Act 1901*
- *Superannuation Funds Assessment and Collection Act 1997 and Superannuation (Self Managed Superannuation Funds) Taxation Act 1987.*

SECTION SUMMARIES AND EXPLANATION OF OFFENCES

The Commissioner of Taxation's general powers of administration in sections 8 of the ITAA 1936 and the TAA, include the power to consider whether a taxpayer has engaged in conduct, which constitutes the commission of an offence against a tax law or a tax-related offence.

Tax related offences in the TAA include:

Section 8C. Failure to comply with requirements of taxation law

Section 8D. Failure to answer questions when attending before the Commissioner of Taxation

Section 8K. False or misleading statements

Section 8L. Incorrectly keeping records etc

Section 8N. Recklessly making false or misleading statements

Section 8Q. Recklessly incorrectly keeping records etc

Section 8T. Incorrectly keeping records with intention of deceiving or misleading

Section 8U. Falsifying or concealing identity with intention of deceiving or misleading etc.

Offences in the Criminal Code Act 1995 include:

Section 134.1. Obtaining property by deception

Section 134.2. Obtaining a financial advantage by deception

Section 135.1. General dishonesty

Section 135.2. Obtaining financial advantage

Section 135.4. Conspiracy to defraud

Section 400. Money laundering or dealing with the proceeds of crime

Crimes (Taxation Offences) Act, 1980

INFORMATION REPORTING

Section 355-70 of the TAA allows the ATO to disclose information about the tax affairs of a particular person where that disclosure is made to an authorised law enforcement agency officer for the purpose of investigating a serious offence; or enforcing a law, the contravention of which is a serious offence; or the making, or proposed or possible making, of a proceeds of crime order.

Disclosures are reported to Parliament in an Annual Report.

To report suspected human trafficking offences call the AFP on 131 AFP (131 237) or report a crime at www.afp.gov.au.

CONTACT INFORMATION

Phone: +61 2 621 61111 (8:00am – 5:00pm weekdays)

Phone: 1800 060 022 to report tax evasion or tax crime (8:00am – 6:00pm weekdays)

Postal address: PO Box 9990 in any capital city

Email: fraudintelligence@ato.gov.au

Web: www.ato.gov.au



Australian Government
AUSTRAC

Australian Transaction Reports and Analysis Centre

The Australian Transaction Reports and Analysis Centre (AUSTRAC) is Australia's anti-money laundering and counter-terrorism financing regulator and specialist financial intelligence unit.

As Australia's financial intelligence unit, AUSTRAC contributes to investigative and law enforcement work to combat financial crime and prosecute criminals in Australia and overseas.

OPERATIONAL PARTNERSHIPS

AUSTRAC works collaboratively with Australian industries and businesses in their compliance with anti-money laundering and counter-terrorism financing legislation. AUSTRAC supports Commonwealth, State and Territory partner agencies in achieving their operational goals and objectives. Partner agencies that are relevant to this crime type include:

- Australian Customs and Border Protection Service
- Australian Crime Commission
- Australian Federal Police
- Australian Taxation Office
- Department of Immigration and Citizenship
- Department of Human Services
- Members of the Australian Intelligence Community
- All State and Territory Police Forces.

In addition, AUSTRAC also has information exchange agreements with various international Financial Intelligence Units. Some of these agreements include countries in the Asia Pacific Region.

FOR FURTHER INFORMATION:

http://www.austrac.gov.au/exchange_instruments.html.

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

Anti-Money Laundering and Counter-Terrorism Financing Act 2006 (AML/CTF Act)

Financial Transaction Reports Act 1988

Combating the Financing of People Smuggling and Other Measures Act 2011

The *Combating the Financing of People Smuggling and Other Measures Act 2011* is new legislation aimed to strengthen the regulation of the remittance sector. This legislation complements existing AUSTRAC legislation providing additional offences of up to 10 years imprisonment and/or 1,000 penalty units for persons supporting people smuggling. The offences contained in the above Acts are not human trafficking specific. Offences under the AML/CTF Act relate to the regulation of the financial sector and can supplement law enforcement investigations. Specific offences under the AML/CTF Act include:

Section 74. Unregistered persons must not provide registrable designated remittance services.

Penalties range from 2 years imprisonment and/or 500 penalty units to 7 years imprisonment and/or 2,000 penalty units.

Section 135. Summarises offences under sections 136 to 143. It is an offence to:

- produce false or misleading information; or
- produce a false or misleading document; or
- forge a document for use in an applicable customer identification procedure; or
- provide or receive a designated service using a false customer name or customer anonymity; or
- structuring a transaction to avoid a reporting obligation under this Act.

The penalties for the above offences range from 2 years imprisonment and/or 120 penalty units to 10 years imprisonment and/or 10,000 penalty units.

INFORMATION REPORTING

AUSTRAC does not investigate human trafficking offences, however provides support to Commonwealth, State and Territory agencies who investigate these matters.

All information relating to human trafficking offences should be referred to the AFP on 131 AFP (131 237) or report a crime at www.afp.gov.au.

CONTACT INFORMATION

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Business Licensing Authority

The Business Licensing Authority is an independent Victorian Government statutory agency responsible for administering a range of occupational and business licensing schemes that have consumer protection as their main focus.

The Authority is also responsible for administering the licensing provisions of the *Sex Work Act 1994*. The statutory objectives of this Act include protecting children from sexual exploitation, ensuring criminals are not involved in the industry and protecting sex workers from violence and exploitation.

PARTNERSHIPS

- Australian Federal Police
- Consumer Affairs Victoria
- Victoria Police
- Department of Immigration and Citizenship
- RhEd (Resourcing Health and Education in the Sex Industry)
- Australian Adult Entertainment Industry Inc.

SERVICES PROVIDED

The licensing of sex work service providers involves assessing (among other factors) probity, financial viability, arrangements to ensure worker safety and the criminal record (if any) of the licensee and their associates. The Authority licenses individuals (not companies) as sex work service providers, with either or both a brothel and an escort agency endorsement. The Authority also grants approval for individuals to be brothel managers. A brothel manager assists the licensee with the operation of the brothel. Brothel managers can be held liable for infringements of the *Sex Work Act 1994*, alongside the licensee.

Associates can include relatives who have been involved, or will be involved, in the sex work service providing business of the licensee, business partners, fellow company directors or directors of companies over which the licensee has a significant influence.

A sex work service provider licence is an ongoing licence, though licensees must submit annual statements and pay an annual licence fee. Brothel manager approvals must be renewed every three years. The Authority can place conditions and restrictions on licences, both at the time of licensing and also, during the currency of the licence. The Authority can make statutory requests for relevant information from licensees, and it is an offence to refuse to co-operate (s.46D, *Sex Work Act*).

Consumer Affairs Victoria is responsible for taking disciplinary action against licensees and brothel managers. Disciplinary action is taken in the Victorian Civil and Administrative Tribunal (VCAT) for non-criminal offences, and usually in the Magistrates' Court for criminal offences. VCAT can impose conditions or restrictions on a licence, require an undertaking to be entered into, cancel a licence or disqualify a licensee or approved manager, either temporarily or permanently.

A licensee will automatically lose their licence and an approved brothel manager will automatically lose their grant of approval if they are convicted or found guilty of a range of offences that are set out in Schedule 3 to the *Sex Work Act*. These include offences under the *Migration Act 1958* (eg. visa issues) and the *Criminal Code Act 1995* (CTH) (eg. sexual servitude and trafficking in persons).

It is an offence under s.22 of the *Sex Work Act 1994* to carry on business as a sex work service provider without a licence.

INFORMATION REPORTING

To report suspected human trafficking offences call the AFP on 131 AFP (131 237) or report a crime at www.afp.gov.au.

CONTACT INFORMATION

Phone: 1300 135 452
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Australian Government
Attorney-General's Department

Commonwealth Attorney-General's Department

Australia has taken a comprehensive whole-of-government approach to combating people trafficking. The Attorney-General's Department leads whole-of-government policy development on people trafficking and chairs the Interdepartmental Committee (IDC) which oversees Australia's anti-people trafficking strategy, with membership from the following agencies:

- AusAID
- Australian Building and Construction Commission
- Australian Crime Commission
- Australian Federal Police
- Australian Institute of Criminology
- Commonwealth Director of Public Prosecutions
- Department of Education, Employment and Workplace Relations
- Department of Foreign Affairs and Trade
- Department of Immigration and Citizenship
- Department of the Prime Minister and Cabinet
- Fair Work Ombudsman
- Office for Women in the Department of Families, Housing, Community Services and Indigenous Affairs.

The IDC is responsible for monitoring the implementation of the strategy, reporting to government on its effectiveness, and ensuring that emerging issues are addressed on a whole-of-government basis. Relevant agencies remain responsible for the administration of the individual components of the strategy. The Attorney-General's Department is also a member of the Operational Working Group which has been established as a subcommittee of the IDC to resolve operational issues that arise in the management of individual cases. The group also has an important role in referring emerging policy issues for the IDC's consideration.

The Attorney-General's Department administers the *Commonwealth Criminal Code Act 1995* which criminalises all trafficking-related activities. Slavery and trafficking offences are set out in Divisions 270 and 271 of the Criminal Code. The slavery offences (division 270) apply to all persons, regardless of whether the conduct occurs within or outside of Australia. Enacted in 1999, these offences have a maximum penalty of 25 years imprisonment.

The Australian Parliament enacted specific people trafficking provisions in 2005, fulfilling Australia's legislative obligations under the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (the Trafficking Protocol), which supplements the United Nations Convention against Transnational Organized Crime (UNTOC). The offences are not limited to trafficking that involves sexual slavery or sexual servitude but cover trafficking in all its forms.

As part of the Government's anti-people trafficking strategy, visa arrangements were introduced to enable persons who are assisting law enforcement authorities with an investigation or prosecution of trafficking-related offences to remain lawfully in Australia. The Attorney-General's Department is responsible for processing requests for Witness Protection Trafficking Certificates (WPTCs) that are sought by the Australian Federal Police, and signed by the Attorney-General or his delegate. WPTCs are a prerequisite for obtaining a Witness Protection (Trafficking) (Permanent) visa, issued by the Minister for Immigration and Citizenship.

The Attorney-General's Department also develops and implements the Australian Government's targeted Communication Awareness Strategy, which includes the Guidelines for non-government organisations (NGOs) working with trafficked people and labour trafficking factsheets for employees and employers.

The Attorney-General's Department chairs the National Roundtable on People Trafficking, established by the Australian Government in 2008 as a consultative mechanism between the Government and NGOs on people trafficking issues.

Finally, the Attorney-General's Department administers the *Proceeds of Crime Act 2002* (POCA). Since 2008, the Australian Government has provided more than \$2.8 million in POCA funding to support Australian NGOs in their efforts to combat

people trafficking. This funding is used to provide vital outreach for trafficking victims and conduct education and awareness initiatives on people trafficking and labour exploitation.

Further information about Australia's anti-people trafficking strategy is available at <www.ag.gov.au/peopletrafficking>.

LEGISLATIVE POWERS

Commonwealth Criminal Code Act 1995

Division 270. Slavery offences (division 270) apply to all persons, regardless of whether the conduct occurs within or outside of Australia.

Penalty - maximum penalty of 25 years

Division 271. These offences are not limited to trafficking for the purposes of sexual exploitation, and provide coverage for trafficking in all its forms.

Penalty - maximum penalty of 25 years

Legislation provides for:

- people trafficking offences in which the trafficker organises or facilitates the transportation of the victim into, out of or within Australia, by using force, threats or deception or by being reckless as to the exploitation of the victim;
- debt bondage offences, to prevent traffickers from using unfair debt contracts and other similar arrangements to force victims into providing sexual services, domestic or other labour to pay off large debts (the debt bondage offences provide an alternative in cases that may be difficult to prove the commission of one of the more serious offences); and
- specific offences for trafficking in children that criminalise organising or facilitating the transportation of a child into, out of, or within Australia, where there is intention for the child to be used, or recklessness as to whether the child will be used, to provide sexual services or will be exploited. The elements of this offence are different from the elements of trafficking in adults, as it does not require force or deception.

With the exception of offences related to domestic trafficking, all these offence provisions have extended geographic jurisdiction, and can cover circumstances in which the crime has taken place in Australia and overseas, or in which the crime has been committed outside Australia by an Australian company, citizen or resident.

INFORMATION REPORTING

To report a suspected human trafficking offence, call 131 AFP (131 237) or report a crime at www.afp.gov.au.

CONTACT INFORMATION

Phone: + 61 2 6141 2778
Postal address: Robert Garran Offices
3-5 National Circuit
Barton, ACT 2600

Email: peopletrafficking@ag.gov.au
Web: www.ag.gov.au/peopletrafficking



Commonwealth Director of Public Prosecutions

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is an independent prosecuting service established by the Parliament of Australia to prosecute alleged offences against the Commonwealth and to deprive offenders of the proceeds and benefits of criminal activity. The CDPP's purpose is to provide an ethical, high quality and independent prosecution service for Australia in accordance with the Prosecution Policy of the Commonwealth.

The CDPP prosecutes a wide range of alleged criminal offences, such as offences relating to the importation of serious drugs, frauds on the Commonwealth including tax and social security fraud, commercial prosecutions, people smuggling, people trafficking, terrorism, and a range of regulatory offences. The CDPP's prosecution practice is as wide as the reach of Commonwealth law. State and Territory Directors of Public Prosecutions are responsible for the prosecution of alleged offences against State and Territory laws.

The CDPP has now gained considerable experience in the area of people trafficking, which is a challenging one, given the factual situations involved, the need for interpreters and reliance on overseas witnesses.

The CDPP provides advice and conducts prosecutions arising from briefs of evidence referred from investigating agencies, alleging offences of slavery, sexual servitude, deceptive recruiting, people trafficking, organ removal and debt bondage. Related referrals may include offences involving migration agents and the giving of migration assistance, the making of false or misleading statements in relation to non-citizens, employer sanction offences of allowing a non-citizen to work in breach of a visa condition and money laundering offences.

In order to provide an independent assessment of the evidence and discharge our obligations as prosecutors, it is essential for the prosecution team to maintain independence from the witnesses that are to give evidence in prosecutions conducted by the CDPP. In practice this requires that there be as little direct contact as possible between victims who are witnesses and the lawyers, counsel and other staff involved in the prosecution. However, this principle is balanced against the need for CDPP to engage with its partner agencies in providing support and referral services for those adversely affected by this crime type.

CDPP has in recent years released a Victims of Crime policy which sets out obligations in relation to consultation with victims, and in the reporting of case specific information to victims as the cases progress.

CDPP also has a dedicated Witness Assistance Officer, based in Sydney, who has experience and training in dealing with victims of crime, and who operates independently from the prosecution team. This officer provides support and referral services for victims, and liaises with the prosecution team and investigating agency in relation to issues raised by victims. The Witness Assistance Officer also communicates, to the level and in the manner requested by the victim, updated case related information. Other victim support agencies which have liaised with CDPP staff on these cases in the past include the Australian Red Cross, and other non-government organisations such as Project Respect and the Scarlet Alliance.

It is common for victims of trafficking who are witnesses to have concerns about reprisals to themselves or their families as a result of them giving evidence, particularly if threats from the accused were alleged as part of the conduct charged. Prosecutors consider the Court's power to suppress publication of the names of the victims or make orders regarding the manner in which these witnesses give their evidence and seek such orders as necessary.

OPERATIONAL PARTNERSHIPS

- Attorney-General's Department
- Australian Federal Police
- Department of Immigration and Citizenship
- Office for Women in the Department of Families, Housing, Community Services and Indigenous Affairs
- Australian Red Cross
- Project Respect
- Scarlet Alliance

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

Criminal Code Act 1995 - Division 270

Slavery, sexual servitude and deceptive recruiting

Penalties - imprisonment from 7 years to 25 years.

Criminal Code Act 1995 - Division 271

Trafficking in persons and debt bondage

Penalties - imprisonment from 12 months to 25 years.

Migration Act 1958 - Section 234 and s 234A

The making of false or misleading statements in relation to non-citizens

Penalties - imprisonment for 10 years/20 years.

Migration Act 1958 - Section 245AC

Employer sanction offences of allowing a non-citizen to work in breach of a visa condition

Penalty - imprisonment for 5 years.

Migration Act 1958 - Division 12

Smuggling/exploitation offences and offences of harbouring non-citizens

Penalties - imprisonment from 10 years to 20 years.

Financial Transactions Reports Act 1988 - Section 31(1)

Conducting transactions so as to avoid reporting requirements

Penalty - imprisonment for 5 years.

Criminal Code Act 1995 - Division 400

Money Laundering Offences

Penalties - imprisonment from 6 months to 25 years.

CONTACT INFORMATION

Phone: +61 2 6206 5666

Email: inquiries@cdpp.gov.au

Postal address: Commonwealth Director
of Public Prosecutions
GPO BOX 3104
Canberra ACT 2601

Web: www.cdpp.gov.au



Construction, Forestry, Mining and Energy Union Organisation

The CFMEU has three Divisions: Construction and General, Forestry and Furnishing products (part of manufacturing), Mining and Energy. The CFMEU National Office is responsible for policy matters that affect all areas and are not Division-specific.

This includes policy on immigration-related matters, such as employment-related visas affecting workers in our industries and employers of non-citizens working with no valid visa or in breach of visa work conditions. The CFMEU is also represented on the tripartite Skilled Migration Consultative Panel advising the Immigration Minister.

PARTNERSHIPS

The CFMEU is a member of the Australian Council of Trade Unions (ACTU) and works closely with the peak body and member unions.

The CFMEU is also working with the Attorney-General's Department, to run a project developing a practical anti-labour exploitation strategy over two years; and to expand awareness of this issue and how to deal with it, within the broader union movement.

SERVICES PROVIDED

The CFMEU provides a range of support for victims of trafficking and labour exploitation, and represents their interests in dealings with employers and various government agencies/authorities.

CFMEU support includes:

- representing exploited migrant workers in their disputes with employers over backpay, unpaid entitlements, threats to deport or victimise if workers try to assert their rights
- representing these workers (and their families) in dealings with the Department of Immigration and Citizenship
- helping affected workers with temporary accommodation.

CONTACT INFORMATION

Phone: +61 2 8524 5850
Postal address: CFMEU
Level 1, 276 Pitt Street
Sydney NSW 2000

Email: kinnaird@fed.cfmeu.asn.au
Web: www.cfmeu.net.au



Australian Government

**Department of Families, Housing,
Community Services and Indigenous Affairs**

Department of Families, Housing, Community Services and Indigenous Affairs

The Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA) is a key source of advice to the Australian Government on social policy and works in partnership with other government and non-government organisations to manage a diverse range of programs and services designed to support and improve the lives of Australians.

FaHCSIA has whole-of-government responsibilities in relation to Indigenous affairs and women.

FaHCSIA administers the Support for Victims of People Trafficking (SVPT) Program, working closely with the Australian Federal Police, Department of Immigration and Citizenship, Attorney-General's Department and the Commonwealth Director of Public Prosecutions.

FaHCSIA has contracted the Australian Red Cross to provide holistic case management services to support clients referred to the SVPT Program by the AFP.

OPERATIONAL PARTNERSHIPS

- Australian Federal Police
- Attorney-General's Department
- Commonwealth Director of Public Prosecutions
- Department of Immigration and Citizenship
- Australian Red Cross

INFORMATION REPORTING

To report a suspected human trafficking offence, call 131 AFP (131 237) or report a crime at www.afp.gov.au.

CONTACT INFORMATION

Phone: 1300 653 227

FaHCSIA Switchboard

Email: PeopleTrafficking@fahcsia.gov.au

Web: www.fahcsia.gov.au

Postal address: Department of Families,
Housing, Community Services
and Indigenous Affairs
PO Box 7576
Canberra Business Centre
ACT 2610



Australian Government

Department of Foreign Affairs and Trade

Department of Foreign Affairs and Trade

DFAT has three key roles relating to human trafficking cases:

1. An operational role in relation to passports:
 - Under the *Australian Passports Act 2005*, the Minister of Foreign Affairs has the power to cancel passports for reasons relating to Australian and international law enforcement, security and potential harmful conduct, including human trafficking and people smuggling among other serious offences.
2. An operational role in relation to providing consular assistance to either the victim or the perpetrator:
 - The perpetrator may be an Australian citizen (or dual national) currently held in custody overseas requiring consular assistance;
 - The victim may be overseas and require consular assistance to return to Australia (for example victims of servile marriage).
3. Advice on the application of international law to a particular case:
 - DFAT advises on the development, implementation and application of multilateral and bilateral treaties, including transnational crime treaties such as the 2003 United Nations Convention against Transnational Organized Crime and the 2000 United Nations Convention against Corruption, and bilateral legal cooperation instruments which enable international legal cooperation, including for human trafficking cases.

OPERATIONAL PARTNERSHIPS

- Australian overseas embassies and consulates (including AFP Liaison Officers)
- Foreign governments and agencies
- Attorney-General's Department
- Commonwealth Director of Public Prosecutions
- Department of Immigration and Citizenship

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

Australian Passports Act 2005 Division 3

Section 22. When Australian travel documents may be cancelled

Australian Passports Act 2005

Part 3, Section 24. Power of Officers to demand the surrender of cancelled Australian travel documents

Penalty - imprisonment for 1 year

INFORMATION REPORTING

Information relating to Australian citizens or permanent residents involved in suspected human trafficking offences overseas should be referred to the relevant Australian embassy or consulate office in that country.

CONTACT INFORMATION

Phone: +61 2 6261 1111
Postal address: R.G. Casey Building
John McEwen Crescent
Barton, ACT 0221 Australia

CONSULAR EMERGENCY CENTRE 24 HOUR PHONE SERVICE:

Phone: 1300 555 135 within Australia (local call cost) or
+61 2 6261 3305 from outside Australia
Email: passports.australia@dfat.gov.au
Web: www.dfat.gov.au
www.passports.gov.au
www.smartraveller.gov.au



Department of Human Services (DHS) - Centrelink

DHS - Centrelink delivers a range of government payments and services to Australians – including retirees, families, carers, parents, students, people with disability, Indigenous people, and people from diverse cultural and linguistic backgrounds. The Department also provides services at times of major change and emergency.

MAJOR OPERATIONAL PARTNERSHIPS

DHS - Centrelink delivers services to the Australian public on behalf of policy departments. This primarily relates to the Department of Education, Employment and Workplace Relations (DEEWR) and the Department of Families, Housing, Community Services and Indigenous Affairs (FaHCSIA).

Business Integrity is the division whose role is to ensure the integrity of the social security system. Business Integrity is tasked with ensuring that the right customer is receiving the payment for which they are entitled. The division employs a number of techniques to detect incorrect payments and serious non-compliance, including data matching with other agencies, public tip offs and compliance reviews.

Within the Business Integrity Division is the Serious Non-Compliance Branch (SNC Branch). This comprises intelligence and investigation capabilities. The Intelligence Section of the SNC Branch acquires data from a variety of sources for the purpose of targeting fraud and serious non-compliance cases. The section identifies risk cases for investigation through the use of data matching, data mining and profiling or by referrals of allegations from both inside and outside of DHS - Centrelink.

The major partners who SNC works with include:

- Australian Crime Commission
- Australian Federal Police
- Australian Taxation Office
- Australian Transaction Reports and Analysis Centre
- Commonwealth Department of Public Prosecutions
- Department of Foreign Affairs and Trade
- Department of Health and Ageing
- Department of Immigration and Citizenship
- Department of Veterans' Affairs.

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

DHS - Centrelink programs are administered under the following legislation:

- *A New Tax System (Family Assistance) (Administration) Act 1999*
- *Family Assistance Act 1999*
- *Financial Management and Accountability Act 1997*
- *Social Security Act 1991*
- *Social Security (Administration) Act 1995*
- *Student Assistance Act 1973.*

Criminal breaches of the above legislation are enforceable under the following legislation:

- *Criminal Code Act 1995*
- *Crimes Act 1914*
- *Financial Management and Accountability Act 1997.*

DHS - Centrelink is a service delivery welfare agency and has a large social worker network and a range of resources to support vulnerable people. Access to these facilities may be available to victims of trafficking in certain circumstances. The Department can draw on these resources to assist vulnerable people who are victims of human trafficking.

Holders of the visa subclass ZB 951 Criminal Justice Stay visa are exempt from the newly arrived residents waiting period.

Holders of a visa subclass ZB 951 Criminal Justice Stay visa are eligible for:

- regular fortnightly mainstream payment of Special Benefit
- crisis payment if qualified for Special Benefit and the circumstances for Crisis Payment is satisfied
- a low income card if Special Benefit is declined, and
- may also be eligible for Family Tax Benefit and Child Care Tax Rebate.

INFORMATION REPORTING

DHS - Centrelink does not have the jurisdiction or authority to investigate suspected Human Trafficking.

Any information received would be passed on to the Australian Federal Police.

DHS - Centrelink may be able to assist victims of human trafficking with payments and social services, such as social workers and community integration.

The eligibility of social security payments is subject to the appropriate visa classification. Victims who do not have the appropriate visa classification can still access social workers and community services.

CONTACT INFORMATION

Samantha Fenwick,
Business Integrity Social Worker

Phone: +61 8 8402 8252

Postal address: PO Box 7788 Canberra Mail Centre,
Fyshwick ACT 2610

Email: intelligence.nso@humanservices.gov.au

Web: www.centrelink.gov.au



Department of Immigration and Citizenship

The Department of Immigration and Citizenship (DIAC) is a key stakeholder in the Australian Government's anti-people trafficking strategy. Under the People Trafficking Visa Framework, DIAC can resolve suspected victims' immigration status by granting visas, thereby enabling them to access the Support for Victims of People Trafficking Program (the Support Program), for which a valid visa is required.

The Australian Federal Police (AFP) are responsible for identifying suspected victims of people trafficking and all instances where indicators of trafficking are present are referred to that agency. DIAC is a significant source of referrals of suspected trafficking cases to the Human Trafficking Teams of the AFP.

Under the People Trafficking Visa Framework all those suspected of being victims of trafficking who are unlawfully in Australia will be granted a Bridging F Visa for up to 45 days, regardless of whether they are assisting police. There are no work rights associated with a Bridging F visa but suspected victims receive intensive support through the Support Program.

A victim may be required to remain in Australia to contribute to an investigation or prosecution related to people trafficking offences. The grant of a Criminal Justice Stay visa regularises the immigration status of an otherwise unlawful person during this period. Victims holding these visas continue to have access to the Support Program and also have work rights.

Victims who have given evidence against people traffickers may face retribution if they return to their home country and may therefore need to remain in Australia for their own protection. The Witness Protection (Trafficking) (Permanent) visa allows a person who has made a contribution to the investigation or prosecution of an alleged trafficking offence, and who would be in danger if they return to their home country, to remain permanently in Australia.

DIAC presents training on trafficking to its onshore compliance officers, to investigations staff, and to staff working within the border environment. Training sessions and country-specific briefings on people trafficking are also provided to staff going overseas.

DIAC has three Senior Migration Officer (Integrity) (Trafficking), or SMOIT, positions at overseas posts: in Bangkok, Manila and Guangzhou. These positions focus on preventing people trafficking at its source and work closely with the AFP in identifying trafficking links with Australia. They are part of DIAC's overseas compliance network and provide regional coverage.

The SMOITs vet visa caseloads for fraud that may lead to trafficking and analyse trends in visa processing, including applicants' travel patterns; use of migration agents; and the visa classes being targeted by trafficking organisations.

DIAC provides technical assistance to a number of countries to support detection and prevention of people trafficking. This includes capacity building activities, technical exchanges and the gifting and installation of specialist equipment.

DIAC has implemented a number of capacity building programs in immigration agencies in the Middle East, Asia and Pacific regions. These programs provided document examination equipment and training to front line immigration officers, facial image comparison training, intelligence analysis activities and immigration investigations training.

DIAC also builds managed migration capacity in the region through activities including border assessments, alert systems design and implementation, passport systems, identity verification, legal and regulatory frameworks, and protection frameworks including refugee status determination.

OPERATIONAL PARTNERSHIPS

- Attorney-General's Department
- Australian Federal Police
- Commonwealth Director of Public Prosecutions
- Department of Families, Housing, Community Services and Indigenous Affairs
- State and Territory Police

LEGISLATIVE POWERS/REGULATORY

The evidence the AFP are able to gather is, at times, not sufficient to support charges of the relevant offences relating to people trafficking under the Criminal Code. However, there may be scope for successful prosecution of other offences under the *Migration Act 1958* which could serve to disrupt people trafficking activities.

Section 21. Failure to comply with section 18 notice (Power to obtain information and documents about unlawful non-citizens)

Penalty - imprisonment for 6 months.

Section 140Q. Civil penalty – failing to satisfy sponsorship obligations

Individual – 60 penalty units

Body corporate – 300 penalty units.

Section 233E. Concealing and harbouring non-citizens etc.

Penalty - imprisonment for 10 years or 1,000 penalty units, or both

Section 234. False documents and false or misleading information etc relating to non-citizens

Penalty - imprisonment for 10 years or 1,000 penalty units, or both.

Section 234A. Aggravated offence of false documents and false or misleading information etc. relating to non-citizens (at least 5 people)

Penalty - imprisonment for 20 years or 2,000 penalty units, or both.

Section 240. Offence to arrange marriage to obtain permanent residence

Penalty - \$100,000 or imprisonment for 10 years, or both.

Section 241. Offence to arrange pretended de facto relationship to obtain permanent residence

Penalty- \$100,000 or imprisonment for 10 years, or both.

Section 243. Offences relating to application for permanent residence because of marriage or de facto relationship

Penalty - imprisonment for 2 years.

Section 245(1). Offences of making false or unsupported statements - knowingly

Penalty - imprisonment for 12 months.

Section 245(3). Offences of making false or unsupported statements recklessly

Penalty - \$12,000.

Section 245AB. Allowing an unlawful non-citizen to work

Penalty - imprisonment for 2 years.

Section 245AB(2). Allowing an unlawful non-citizen to work - aggravated offence

Penalty - imprisonment for 5 years.

Section 245AC. Allowing a non-citizen to work in breach of a visa condition

Penalty - imprisonment for 2 years.

Section 245AC(2). Allowing a non-citizen to work in breach of a visa condition - aggravated offence

Penalty - imprisonment for 5 years.

Section 245AD. Referring an unlawful non-citizen for work

Penalty - imprisonment for 2 years.

Section 245AD(2). Referring an unlawful non-citizen for work - aggravated offence

Penalty - imprisonment for 5 years.

Section 245AE. Referring a non-citizen for work in breach of a visa condition

Penalty - imprisonment for 2 years.

Section 245AE(2). Referring a non-citizen for work in breach of a visa condition - aggravated offence

Penalty - imprisonment for 5 years.

Section 334. Offences in relation to false or misleading statements regarding the making of decisions

Penalty - imprisonment for 2 years.

Section 335. Offence of undertaking, for reward, to cause decisions to be made etc.

Penalty - imprisonment for 2 years.

INFORMATION REPORTING

To advise DIAC of a person you suspect may be a victim of trafficking or circumstances that you believe may be related to people trafficking activities in Australia, call 1800 009 623 or contact DIAC on <http://www.immi.gov.au/contacts/dob-in/>.

CONTACT INFORMATION

Phone:	+61 2 6198 7559	Email: People.Trafficking@immi.gov.au
Postal address:	People Trafficking Prevention and Support Section PO Box 25 Belconnen ACT 2616	Web: www.immi.gov.au

Fair Work Ombudsman

The Fair Work Ombudsman is an independent statutory agency created by the *Fair Work Act 2009* (FW Act). The Fair Work Ombudsman is responsible for providing education, assistance and advice about the Commonwealth workplace relations system. In addition, the agency is also responsible for impartially enforcing compliance with the FW Act and fair work instruments.

Offences relating to trafficking of persons do not fall within the operational remit of the Fair Work Ombudsman. Where the Fair Work Ombudsman identifies behaviour in the course of its investigations that could amount to trafficking of persons, evidence is referred to the Australian Federal Police.

The matters the Fair Work Ombudsman has the power to investigate include underpayment or non-payment of wages and entitlements, sham contracting, unlawful workplace discrimination, freedom of association and right of entry.

Fair Work Inspectors use their compliance powers, which include the power to enter business premises and require the production of documents, to investigate suspected contraventions of the FW Act.

The Fair Work Ombudsman may choose to commence a civil action through the courts against a party for a contravention of Commonwealth workplace laws, particularly in instances where there has been deliberate exploitation of vulnerable employees, such as foreign or migrant workers. The Fair Work Ombudsman commences between 80 to 100 civil penalty matters through the courts annually.

Possible court orders include penalties of up to \$6,600 for an individual and \$33,000 per contravention for a body corporate, the granting of injunctions, and orders to repay employees any monetary entitlements they are owed and/or compensation for loss suffered.

Beyond its direct compliance activities, the Fair Work Ombudsman has targeted educational services to foreign workers and students. These include providing information in community languages through social media and on www.fairwork.gov.au, and adopting community engagement strategies designed to improve the accessibility of its information, tools and other support to foreign workers.

OPERATIONAL PARTNERSHIPS

- Australian Federal Police
- Australian Human Rights Commission
- Attorney-General's Department
- Australian Taxation Office
- Department of Immigration and Citizenship
- Department of Education Employment and Workplace Relations

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

Fair Work Act 2009

Part 5-2 section 682(1) of the FW Act provides the functions of the Fair Work Ombudsman.

The Fair Work Ombudsman has the following functions:

- a. to promote:
 - harmonious, productive and cooperative workplace relations
 - compliance with this Act and fair work instruments including by:
 - providing education, assistance and advice to employees, employers, outworkers, outworker entities and organisations
 - producing best practice guides to workplace relations or workplace practices
- b. to monitor compliance with this Act and fair work instruments;
- c. to inquire into, and investigate, any act or practice that may be contrary to this Act, a fair work instrument or a safety net contractual entitlement;
- d. to commence proceedings in a court, or to make applications to Fair Work Australia (FWA), to enforce this Act, fair work instruments and safety net contractual entitlements;
- e. to refer matters to relevant authorities;
- f. to represent employees or outworkers who are, or may become, a party to proceedings in a court, or a party to a matter before FWA, under this Act or a fair work instrument, if the Fair Work Ombudsman considers that representing the employees or outworkers will promote compliance with this Act or the fair work instrument;
- g. any other functions conferred on the Fair Work Ombudsman by any Act.

Civil penalties may apply for the contravention of a variety of provisions within the FW Act including (but not limited to) the following:

Section 44 – section 54. Contravening the National Employment Standards, a Modern Award or an Enterprise Agreement

Section 293. Contravening a national minimum wage order

Section 323 – section 328. Contravening a provision relating to Payment of Wages

Section 340 – section 359. Contravening certain of the General Protections provisions

Section 405. Contravening orders made under the Unfair Dismissal provisions

A maximum of 60 penalty units, \$6,600 for an individual and \$33,000 for a body corporate, can be awarded.

INFORMATION REPORTING

Suspected human trafficking offences should be reported to the AFP on 131 AFP (131 237) or report a crime at www.afp.gov.au.

If you are aware of someone has not received their full workplace entitlements, report it to the Fair Work Ombudsman on 131 394.

CONTACT INFORMATION

Phone: +61 3 9954 2548

Email: murray.furlong@fwo.gov.au

Postal address: GPO Box 9887
Melbourne Vic 3001

Web: www.fwo.gov.au



Ministry for Police and Emergency Services

The Ministry provides policy advice to the NSW Minister for Police and Emergency Services.

OPERATIONAL PARTNERSHIPS

- NSW Police Force
- NSW Crime Commission
- Fire and Rescue NSW
- Rural Fire Service
- State Emergency Service

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

The Ministry for Police and Emergency Services provides policy advice. We are non operational and have no legislative powers.

INFORMATION REPORTING

To report a suspected human trafficking offence, call 131 AFP (131 237) or report a crime at www.afp.gov.au.

CONTACT INFORMATION

Catherine Allen
Policy Director
catherine.allen@mpes.nsw.gov.au

Address: Level 13, Bligh House
4-6 Bligh Street
Sydney NSW 2000

Postal address: GPO Box 5434 Sydney NSW 2001
Phone: +61 2 9228 5491
Fax: +61 2 9228 3551



New South Wales Police Force

The NSW Police Force is responsible for sexual servitude investigations where the victim has not been trafficked from one country to another, and there are no border related offences involved.

The Local Area Command (LAC) will respond immediately to allegations that an offence involving sexual servitude or people trafficking. The immediate priority for NSW Police is to locate any victim(s) and remove them from any harm and possible future risk.

The LAC will maintain the initial and or any ongoing investigative response. The Sex Crimes Squad (SCS) will provide on-call advice and investigative support to allegations involving sexual servitude and people trafficking.

If an incident potentially involves trafficking or sexual servitude, either from overseas or within Australian jurisdictions, the NSW Police Force will refer it to the Australian Federal Police (AFP) to take carriage of the investigation and ensure investigative continuity. Referrals can be made 24 hours a day to the AFP Human Trafficking Teams.

The Sex Crimes Squad has responsibility for the online protection of children. The Child Exploitation Internet Unit (CEIU) identifies victims, conducts investigations and initiates criminal prosecutions to disrupt online child sex exploitation. This unit works closely with the AFP and other domestic and international law enforcement agencies to achieve these results.

The Joint Investigation Response Squad (JIRS) conducts investigations into the sexual assault of children and young people, and interviews children that may have been victims of sexual servitude. JIRS works in an interagency arrangement with Family and Community Services and NSW Health to provide a holistic child protection response.

The NSW Police response is articulated in the *Standard Operating Procedures for Investigating Sexual Servitude and People Trafficking*. The document contains an interview guide to direct investigators on appropriate victim interviewing.

NSW Police is a partner in the *Australian Policing Strategy to Combat Trafficking in Persons 2011-13* working in cooperation with its State and Territory Policing partners and other Government agencies to combat human trafficking.

OPERATIONAL PARTNERSHIPS

- NSW Attorney-General's Department
- NSW and Commonwealth Director of Public Prosecutions
- Australian Taxation Office
- Department of Immigration and Citizenship
- Australian Federal Police
- State and Territory Police
- NSW Health Sexual Assault Services
- NSW Rape Crisis Centre

POLICY

- *Australian Policing Strategy to Combat Trafficking in Persons 2011-13*
- *NSW Police Standing Operating Procedures Investigation of Sexual Servitude and People Trafficking Offences*
- *NSW Charter of Victims Rights*

LEGISLATIVE POWERS

Crimes Act 40/1900

Section 80D is where a person causes another person to enter into or remain in sexual servitude, or where a person intends to cause, or is reckless as to causing, that sexual servitude.

Penalty - imprisonment for 15 years, or 20 years for offences circumstances of aggravation.

Section 80E refers to a person who conducting a business involving sexual servitude. The acts that constitute conducting a business includes taking any part in the management of the business, or exercising control or direction over the business, or providing finance for the business.

Penalty - imprisonment for 15 years, or 19 years for offences circumstances of aggravation.

The circumstances of aggravation for sexual servitude offences are when the alleged victim is under the age of 18 years or having a cognitive impairment.

NSW Police have other powers and offences relating to human trafficking in the following legislation:

- *Crimes Act 40/1900* - sexual offences, procuring, kidnapping, participation in criminal groups, money laundering, blackmail, and forgery offences like make/use/possess a false document
- *Law Enforcement (Powers and Responsibilities) Act 2002* – powers of arrest, search, and establishing a crime scene, etc.
- *Children and Young Persons (Care and Protection) Act 2002* – assumption of care for children at risk of significant harm
- *Confiscation of Proceeds of Crime Act 1989*
- *Criminal Assets Recovery Act 1990*.

INFORMATION REPORTING

To report suspected human trafficking offences call 000 if an emergency, or contact your nearest Police Station. Information can also be supplied to Crimestoppers on 1800 333 000.

CONTACT INFORMATION

Sex Crimes Squad

Phone: +61 2 8835 8666

Postal address: Level 6, Tower A
Police Headquarters
1 Charles Street
Parramatta, NSW 2150



Northern Territory Police, Fire and Emergency Services

The extent of human trafficking in the Northern Territory is difficult to assess. However, historically in Australia, it has usually been done for sexual purposes involving legal and illegal brothels. In the Northern Territory, prostitution is regulated and businesses and their employees are required to register with Police. Although an individual can be a sole operator without needing to register, this comes with increased risk to the person providing these services.

POLICY

Australian Policing Strategy to Combat Trafficking in Persons 2011-13

LEGISLATION: CRIMINAL CODE ACT (NT)

Section 202B.

Sexual Servitude

Penalty - imprisonment for 15 years – life

Section 202C.

Conducting Business Involving Sexual Servitude

Penalty - imprisonment for 15 years – life

Section 202D.

Deceptive Recruiting For Sexual Services

Penalty - 15 years imprisonment

INFORMATION REPORTING

Anyone who suspects a person is carrying out sexual services against their will should contact Crimestoppers. Information is treated in confidence.

To report suspected human trafficking offences call 000 if an emergency, or contact your nearest Police Station.

Crimestoppers:	1800 333 000
Sex Crimes Division:	+61 8 8922 3550
Drug and Organised Crime Division:	+61 8 8922 3169
NT Police (Within NT):	131 444

CONTACT INFORMATION

Jo Foley

Detective Superintendent

Sex Crimes Division

Postal address: NT Police, Fire and Emergency Services
Po Box 39764
Winnellie NT 0821

Office of the Australian Building and Construction Commissioner

The Office of the Australian Building and Construction Commissioner (ABCC) is responsible for ensuring that building and construction work is carried out for the benefit of all building industry participants and for the benefit of the Australian economy as a whole.

The ABCC is a full service regulator that aims to bring about fair and productive building and construction work. Our role is to assist building industry participants understand workplace relations laws, monitor workplace conduct and investigate alleged contraventions. The ABCC operates in a civil environment (as against a criminal environment) with the majority of its prosecutions being instituted through the Federal Court or the Federal Magistrates Court.

OPERATIONAL PARTNERSHIPS

The ABCC has a range of formal and informal operational partnerships. In the formal sense these include Memorandums of Understanding with the Fair Work Ombudsman and the Department of Immigration and Citizenship (DIAC). The ABCC is a member of the Building Industry Forum, a government and non government group with particular focus on phoenix activities and sham contracting; the Interagency Phoenix forum, a meeting of government agencies focussed on phoenix activities; and the Interdepartmental Committee on People Trafficking. In addition the ABCC has a range of informal arrangements with a variety of government and non government agencies that facilitate the exchange of information within the provisions of the *Fair Work Act 2009* and the *Building and Construction Industry Improvement Act 2005*.

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

Building and Construction Improvement Act 2005

The *Building and Construction Industry Improvement Act 2005* (BCII Act) creates the Office of the Australian Building and Construction Commissioner, the role of ABC Inspector and a range of powers to enable investigations of breaches of the legislative provisions. The Act provides the ABCC with no specific powers or role in the investigation of breaches relating to human trafficking. The breach provisions focus on the more extreme unlawful industrial activities within the building and construction industry such as unlawful industrial action, coercion and breaches of the freedom of association provisions.

This legislation focuses on litigation as the principal outcome of investigation activities. A far broader range of compliance outcomes are available under the *Fair Work Act 2009* (FW Act). Breaches of the legislation are prosecuted in the civil (not the criminal) jurisdiction. Penalties of fines up to \$110,000 for a corporation and \$33,000 for an individual are available under the BCII Act. Costs and damages can be sought under this legislation.

Independent Contractors Act 2006

This legislation established the framework that recognises independent contracting as a legitimate form of work arrangements, seeks to protect the freedom of independent contractors to enter into services contracts, and prevents interference with the terms of genuine independent contract arrangements. It has no relevance to matters pertaining to human trafficking. The sham contracting and related breaches are found in the *FW Act*.

Fair Work Act 2009

The FW Act creates the Office of the Fair Work Ombudsman, the role of Fair Work Inspector and provides powers to investigate breaches of and ensure compliance with the FW Act. ABC Inspectors are 'co-badged' as Fair Work Inspectors and therefore, in relation to the building and construction industry, have access to the powers and various compliance options contained in the legislation.

The FW Act contains no specific provisions relating to human trafficking. However, it does define and stipulate the standards of employment reward that any person employed in Australia should enjoy. The FW Act defines the National Employment

Standards (NES), the principles of the modern award system and the negotiation and implementation of enterprise agreements. The FW Act identifies a series of breaches regarding the failure to honour the obligations stipulated in the NES, a relevant award or agreement. The legislation provides a number of options to ensure compliance and payment of outstanding wages and entitlements to employees.

The FW Act also contains breach provisions relating to sham contracting and related matters. Sham contracting occurs when an employer seeks to classify an employment relationship as a contracting relationship in an effort to avoid the payment of full entitlements to the employee. It can be used as part of a process to exploit vulnerable workers.

The FW Act provides Fair Work Inspectors with a range of powers to investigate alleged breaches of the Act, agreement or awards. These include the right to enter a worksite or office (without force), copy documents, take samples and talk to witnesses. In addition, Fair Work Inspectors are empowered to require the production of a range of documents relevant to an investigation. These might include induction records, time and wage records and general employment records.

The FW Act contains provisions that allow for the sharing of information obtained during the course of its investigations with law enforcement agencies.

Penalties of \$33,000 for a company and \$6,600 per breach for an individual are available under the FW Act. Costs and damages can be sought in certain circumstances. Restitution of outstanding wages and entitlements can also be sought. Often restitution is achieved through mediation and settlement. Civil proceedings instituted in the Federal Court are an option in more serious matters or where there is evidence of exploitation of workers, particularly vulnerable workers.

INFORMATION REPORTING

Reports of any indication of underpayment of workers or exploitation of workers employed in the building and construction industry should be made to the relevant regional office of ABCC. There are offices in each State, the ACT and Northern Territory. It is anticipated an office will be opened in the Pilbara region of Western Australia in the near future.

CONTACT INFORMATION

Phone: 1800 003 338
Postal address: PO Box 9927,
Sydney, NSW 2001 or
PO Box 9927
in any capital city

Email: enquiry@ABCC.gov.au
Web: www.ABCC.gov.au

Project Respect

Project Respect is a non-profit, feminist community-based organisation that aims to empower and support women in the sex industry including women trafficked to Australia.

Established in 1998, the organisation provides a direct service by conducting outreach and offering support to women in the sex industry across Victoria.

Project Respect's mission is to support women in the sex industry of Australia and to help prevent the exploitation and enslavement of women, by the industry.

The organisation aims to see this fulfilled through:

- Empowerment: of women who are or have been in the sex industry to rebuild their lives outside the industry and to educate about the impacts of prostitution.
- Education: of the community, led by women from the industry, to bring a greater awareness of the impacts of prostitution and trafficking, and to assist women to address these.
- Advocacy: promoting government, community and individual policies and practices which reduce the conditions that cause the sex industry to thrive and which promote feminist responses to prostitution and trafficking.
- Activism: based on the expertise of women in the sex industry, which tackles discrimination and structural inequalities which support prostitution and trafficking.

Project Respect works towards:

- adequate support given to women in the sex industry, including trafficked women, such as access to shelter, health care, legal support, compensation, and alternative employment pathways
- eradication of the abuse and inequalities, including between men and women, different cultures and different classes, which underpin and are strengthened by the sex industry
- individuals, organisations and communities informed and mobilised to support women in the sex industry.

Project Respect employs a number of staff, volunteers and Committee of Management members who have been in the sex industry.

PARTNERSHIPS (FORMAL AND INFORMAL)

- | | |
|--|---|
| • Attorney-General's Department (Federal) | • Department of Planning and Community Development (Victoria) |
| • Commonwealth Department of Immigration and Citizenship | • City of Yarra (Victoria) |
| • Australian Federal Police | • City of Monash (Victoria) |
| • Red Cross | • Victorian Multicultural Commission |
| • ACRATH (Australian Catholic Religious Against Trafficking in Humans) | • Anti Slavery Project |
| • Stop the Traffik (Member) | • Fitzroy Legal Service |
| • Department of Justice (Victoria) | • Allens Arthur Robinson |

*Please note – Project Respect partners with and refers to an extremely large number of services due to the diversity of women we work with. These are not listed above.

SERVICES PROVIDED

Project Respect's work is based on direct contact with women in the sex industry including women who have been trafficked into Australia for prostitution. The organisation uses a strengths-based, feminist model of practice, promoting respect for all women.

This includes:

- outreach to brothels in Victoria, to spend time with women in the sex industry and providing information and referrals
- intensive case management, providing holistic support and individual counselling according to the woman's needs (as she identifies them)
- referrals and information regarding services for health, housing, the law, child custody, domestic violence, drug and alcohol, and other issues
- emergency accommodation and ongoing support for women who have been trafficked
- support for education and alternative employment pathways
- a social enterprise that trains and employs women who have been trafficked or wish to exit the sex industry
- community development activities, including peer support lunches, weekends away and advocacy training
- raising awareness within the community to help people understand the issues facing women in the sex industry
- specialised training to community organisations such as health centres, government agencies including the police
- advocacy to all levels of government – Federal, State and local.

CONTACT INFORMATION

Phone: +61 3 9416 3401 (Business hours) Email: info@projectrespect.org.au
Mobile: +61 400 530 582 Web: www.projectrespect.org.au
(After hours – emergency only)
Postal address: PO BOX 1323
Collingwood
Vic, 3066



Queensland Police Service

Queensland Police Service provides the community with three services in relation to human trafficking:

- protect and support complainants
- investigate complaints of sexual assault and establish whether an offence of sexual assault has been committed
- identify, apprehend and prosecute offenders.

In carrying out its duties, the Queensland Police Service:

- observes the principles of the Operational Procedures Manual, Sexual Assault Protocols together with principles of *Criminal Offence Victims Act 1995*
- responds to the initial needs of a victim by showing understanding and respect for the personal dignity and offering protection and support
- provides victims with information about support services available
- provides protection to victims who are at immediate or continuing risk.

Keep victims fully informed throughout the investigative process about the progress of the matter, including information about the arrest, charging and possible bail of the alleged offender and fully explain court process.

The Prostitution Enforcement Task Force provides specialist and intelligence services in regards to licensed, unlicensed prostitution and adult entertainment industries in Queensland.

Prostitution Enforcement Task Force coordinates training and awareness packages to improve Queensland Police Service capacity to respond to unique and emerging issues including sexual servitude.

OPERATIONAL PARTNERSHIPS

- Queensland Health
- Department of Justice (Queensland)
- Attorney-General (Queensland)
- Department of Immigration and Citizenship
- Australian Federal Police

LEGISLATIVE POWERS/REGULATORY

Criminal Code 1899

Chapter 22A. Prostitution.

Section 229C – 229N. Carry on the business of illegal prostitution, Knowingly Participate in Prostitution of another, Permit child on premises used by 2 or more prostitutes

Penalty - 14 years imprisonment

Chapter 22. Offences against Morality.

Section 207- 229B.

Penalty - 14 years imprisonment

Chapter 32. Rape and Sexual Assaults.

Section 347- 352. Rape, Sexual Assaults and related offences

Penalty - life imprisonment

Prostitution Act 1999

Section 73- 77A. Simple offences relating to illegal prostitution

Penalty - 7 years imprisonment

Criminal Proceeds and Confiscation Act 2002

Section 252. Possession of Property suspected of being tainted

Penalty - 2 years imprisonment

RESPONSE TO SEXUAL ASSAULT GUIDELINES

Interagency guidelines for responding to adult victims of sexual assault:

- Queensland Police Service, Queensland Health and Dept of Justice and Attorney-General
- Queensland Police Service - Operation Procedures Manual.

INFORMATION REPORTING

To report suspected human trafficking offences contact Crimestoppers on 1800 333 000 or Crimestoppers.QLD@police.qld.gov.au, or Prostitution Enforcement Task Force on +61 7 3426 1888.

CONTACT INFORMATION

Phone: +61 7 3364 6464

Email: Crimestoppers.QLD@police.qld.gov.au

Postal address: Queensland Police Service
200 Roma Street
Brisbane, QLD 4001

Web: www.police.qld.gov.au



Samaritan Accommodation, The Salvation Army

The Salvation Army is deeply committed to fighting human trafficking however it may be manifested. We seek to exercise care in restoring the freedom and dignity of those affected.

PARTNERSHIPS

- Salvos Legal
- The Salvation Army

SERVICES PROVIDED

Samaritan Accommodation provides comprehensive and culturally appropriate support and advocacy to people who have experienced human trafficking, slavery and/or slavery-like practices. This includes access to emergency and long-term supported accommodation through a 10-bed refuge for women and young women (Sydney), access to community housing and non-residential case management support to men, women and young people accommodated elsewhere.

Samaritan Accommodation can request support for victims of trafficking across Salvation Army services in Australia and provide technical assistance on a case-by-case basis.

Support can include:

- material assistance
- access to medical and mental health care
- spiritual care/development
- recovery services
- legal, employment and education services
- financial management
- rights education
- social and recreational activities
- life skills and personal development activities
- court support
- repatriation and reintegration assistance
- assistance to families in countries of origin.

Support is delivered through case management of a care plan developed collaboratively with clients and reassessed on a regular basis. Samaritan Accommodation respects and values the cultural heritage of clients, focuses on their strengths and potential while also working from a trauma-informed approach.

Eligibility for support from Samaritan Accommodation is assessed on a case-by-case basis against the definition of trafficking contained in the United Nations Protocol to Prevent, Punish and Suppress Trafficking in Persons and is based on the need of that individual. Cooperation with law enforcement is not required to receive services.

CONTACT INFORMATION

Phone: +61 2 9211 5794
Postal address: 140 Elizabeth St
Sydney NSW 2000

Email: trafficking@aue.salvationarmy.org
Web: www.justiceunit.com.au



Scarlet Alliance

Scarlet Alliance was formed in 1989 as the peak body of sex worker organisations in Australia. Migrant sex workers of non-English speaking background have led and directed policy relating to migration and trafficking for the entire history of our organisation. Scarlet Alliance has opposed the criminalisation of sex worker migration and related activities since the mid-90's when trafficking issues were first discussed in this country.

For 22 years Scarlet Alliance has consistently fought for and successfully created improved Occupational Health and Safety regulations, improved Industrial Rights, improved more transparent access to visas and the problematisation of the gender, race and class bias within Australian immigration systems as solid solutions to trafficking and servitude.

PARTNERSHIPS

- Australian Federal Police

SERVICES PROVIDED

Sex worker peer education - all of Scarlet Alliance's members, volunteers, staff and board members are sex workers. We can talk over the phone or in person.

Sex worker organising and social events - around the country there are always sex worker-only social events, seminars, trainings and reasons to get together and meet other sex workers who speak your first language.

Advice, outreach and referrals in Thai, Chinese and Korean concerning:

- sexual health
- specific language sex worker clinics in Australia
- peer education to sex worker workplaces
- sex work laws
- industrial rights
- industrial law
- legal advice, support and/or a migration agent.

Support and assistance in Thai, Chinese and Korean for all criminal justice matters including industrial arbitration, small claims tribunal and liaison with Australian Federal Police and local police as well as embassies and sex worker organisations in client's home country.

CONTACT INFORMATION

Phone: +61 2 9690 0551
Tues-Fri 10am-6pm
Postal address: PO Box 261
Darlinghurst,
Sydney NSW 1300

Email: mpm@scarletalliance.org.au
Web: www.scarletalliance.org.au



South Australia Police

Licensing Enforcement Branch (LEB)

OPERATIONAL PARTNERSHIPS

- Sex Crimes Investigation Branch (SCIB)
- State Intelligence Branch (SIB)
- Department of Immigration and Citizenship (DIAC)
- Sex Industry Network (SIN)
- Families SA

POLICY

Australian Policing Strategy to Combat Trafficking in Persons 2011-13

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

Summary Offences Act, 1953

Keeping and managing brothels

Maximum penalty:

For a first offence—\$1 250 or imprisonment for 3 months.

For a subsequent offence—\$2 500 or imprisonment for 6 months.

Permitting premises to be used as brothels

Maximum penalty:

For a first offence—\$1 250 or imprisonment for 3 months.

For a subsequent offence—\$2 500 or imprisonment for 6 months.

Power of police to enter suspected brothels

The Commissioner or a senior police officer, or any other police officer authorised in writing by the Commissioner or a senior police officer, may at any time enter and search premises which he or she suspects on reasonable grounds to be a brothel.

Criminal Law Consolidation Act, 1935

Sexual servitude and related offences

Maximum penalty - imprisonment for life

Deceptive recruiting for commercial sexual services

Maximum penalty - imprisonment for 12 years

Use of children in commercial sexual services

Maximum penalty - imprisonment for life

Information Reporting - how to report suspected human trafficking offences into the agency:

- direct contact with LEB investigators (contact details often left at suspected brothels)
- direct contact with DIAC (contact details often left at suspected brothels)
- via Victim Contact Officers, SCIB and others
- via SIN
- via Crimestoppers or other Police contact eg 131 444
- via Health Services / Government agencies.

CONTACT INFORMATION

Chief Inspector Joanne Shanahan
Officer in Charge,
Licensing Enforcement Branch

Licensing Enforcement Branch

Phone: +61 8 7322 3342

Email: Joanne.Shanahan@police.sa.gov.au



Tasmania Police Service

Tasmania Police views human trafficking and sexual servitude as abhorrent crimes. Tasmania Police works in close cooperation with the Australian Federal Police where there is information to suggest any such crime has been committed.

Most crimes from a State perspective are contained within the Tasmanian statutes of the *Criminal Code 1924* and the *Sex Industry Offences Act 2005*. Detectives from the Criminal Investigation Branches throughout the State investigate crimes against these Acts.

If Tasmania Police uncover any incident which potentially involves sexual servitude or trafficking from overseas or within Australian jurisdictions, the matter is immediately referred to the Australian Federal Police (AFP) Human Trafficking Teams for investigation.

Tasmania Police is a partner in the *Australian Policing Strategy to Combat Trafficking in Persons 2011-13* working in cooperation with its State and Territory policing partners and other Government agencies.

Tasmania Police also works in close partnership with the Tasmanian Sexual Assault Support Service which provides counseling, education, advocacy and is striving to achieve a community free of sexualised violence.

LEGISLATIVE POWERS

While Tasmania Police does not have specific powers and offences relative to human trafficking, the following legislation can be utilised:

Criminal Code 1924

Sections 129 & 186. Prohibits the attempted procuring of sexual intercourse by threats, intimidation, fraud, or drugs, or the abduction of any person for sexual intercourse, either in this State or elsewhere.

Maximum penalty - imprisonment for 21 years.

Sex Industry Offences Act 2005

Section 7. Prohibits any attempt to induce any person to provide sexual services in a sexual services business or intimidate, assault or threatens to assault any person; or make a false or fraudulent representation or threaten deportation, or exert any other form of unreasonable or unfair pressure on any person.

Maximum penalty - imprisonment for 21 years

CONTACT INFORMATION

To report suspected human trafficking call Tasmania Police on 000 if an emergency, or contact your nearest Police Station on 131 444. Information can also be supplied to Crimestoppers on 1800 333 000.



Victim Support Australia

Victim Support Australia (VSA) Inc is a national umbrella association for government and non-government victim of crime services in the states and territories. It works towards the universal application across Australia of UN standards in relation to victims of crime, and acts as a voice for victim of crime interests to government at all levels, professional bodies, media and academics.

As a professional association VSA facilitates professional, research and industry development; and facilitates effective information-sharing, networking, referral and service development between the state and territory services. VSA maintains links with national professional associations in New Zealand, Europe, and North America.

PARTNERSHIPS

Victim Support Australia Inc partners with state and territory members in sponsoring an annual national conference, an annual national award, and research and other activities designed to advance the interests of victims of crime.

SERVICES PROVIDED

Victim Support Australia Inc provides:

- a forum for industry consultation and collaboration
- position papers and guidelines to members on aspects of service development and policy and law reform
- a national website as a central point of information to access relevant state and territory services, resources and legislation
- a representative industry voice in national and international fora on issues to do with victims of crime.

CONTACT INFORMATION

Phone: +61 8 9425 2850
Postal address: c/o GPO Box 158
Canberra City
ACT 2601

Email: enquiries@victimsupport.org.au
Web: www.victimsupport.org.au



Victoria Police

Victoria Police provides a 24 hour police service to the Victorian community. Victoria Police contributes to a high quality of life for individuals in the community by ensuring a safe and secure society and underpins the economic, social and cultural wellbeing of Victoria.

OPERATIONAL PARTNERSHIPS

- Australian Federal Police
- Consumer Affairs
- Local Council
- Local Government
- Department of Immigration & Citizenship
- Business Licensing Authority

POLICY:

Australian Policing Strategy to Combat Trafficking in Persons 2011-13

LEGISLATION:

Crimes Act 1958 (Vic):

Section 38. Rape - possibly in circumstances involving an offender compelling another to sexually penetrate without consent.

Section 38A. Compelling sexual penetration

Section 47. Indecent Act with child under the age of 16

Section 49. Indecent Act with 16 or 17 year old child

Section 49A. Facilitating sexual offences against children

Section 54. Occupier etc. permitting unlawful sexual penetration

Section 55. Abduction or detention

Section 56. Abduction of child under the age of 16

Section 58. Procuring sexual penetration of a child

Section 60AB. Sexual servitude

Section 60AC. Aggravated sexual servitude

Section 60AD. Deceptive recruiting for commercial sexual services

Section 60AE. Aggravated deceptive recruiting for commercial sexual services

Section 63. Child stealing

Section 63A. Kidnapping

Section 68. Production of child pornography

Section 69. Procurement etc. of a minor for child pornography

Penalties range up to 25 years imprisonment

Sex Work Act 1994 (Vic):

Section 5. Causing or inducing a child to take part in sex work

Section 6. Obtaining payment for sexual services provided by a child

Section 7. Agreement for provision of sexual services by a child

Section 8. Forcing person into or to remain in sex work

Section 9. Forcing person to provide financial support out of sex work

Section 10. Living on earnings of sex worker

Section 11. Allowing child to take part in sex work

Section 11A. Child over 18 months not to be in brothel

Section 15. Being in, entering or leaving unlicensed brothel

Penalties range up to 15 years imprisonment

INFORMATION REPORTING

To report incidents of human trafficking offences members of the public can contact Crimestoppers 1800 333 000, or their local Police Station and the Crime Department Crime Desk assesses each report and refers it to the appropriate department for investigation.

CONTACT INFORMATION

Victoria Police

SOCIT Project

Address: Level 6/452 Flinders Street
Melbourne, Vic 3000

Officer in Charge: Detective Superintendent Rod Jouning

Phone: +61 3 9611 8800

Email: SOCITPROJECT-MGR@police.vic.gov.au



Western Australia Police

The Western Australia Police (WAPOL) in its Serious Organised Crime Strategy (2011–14) identifies Human Trafficking as falling within the category of crimes against the person. Investigative responsibility for matters pertaining to Human Trafficking is maintained by WAPOL's Serious and Organised Crime Division's Organised Crime Squad (OCS).

OPERATIONAL PARTNERSHIPS

WAPOL considers the national and international nature of people trafficking for exploitation is most effectively addressed at a Federal level. The Australian Federal Police (AFP) should maintain the lead role in the investigation of people trafficking offences.

WAPOL recognises the need for a coordinated approach by all relevant law enforcement agencies (LEAs) in order to address this issue, and is committed to providing assistance to other LEAs in targeting persons identified as participating in the trafficking of persons for sexual servitude.

WAPOL is prepared to assist the AFP and the Department of Immigration and Citizenship (DIAC) in relation to the issue of people trafficking offences when requested. WA is cognisant of the sensitivities and needs of victims and understands the nature and complexity of this serious form of organised criminal activity.

POLICY

Australian Policing Strategy to Combat Trafficking in Persons 2011–13

LEGISLATIVE POWERS/REGULATORY/ADMINISTRATIVE/SOCIO-SANCTIONS

State legislation in combating these offences is limited and Commonwealth legislation may provide more adequate powers to investigate the occurrence of sexual servitude.

Criminal Code Act Compilation Act 1913

Sections 190 - 191. Identifies the provisions for relating to the managing of premises for prostitution, knowingly living either partly or wholly off the earnings of prostitution and procuring women to be involved in prostitution.

Penalties range from 12 months imprisonment and \$12,000 fine, to 3 years imprisonment.

Sections 327 - 328. Identifies the provisions for offences of sexual coercion and aggravated sexual coercion.

Penalties are 14 years and 20 years imprisonment, respectively.

Sections 331B, 331C and 331D. Identifies the provisions that provide offences relating to sexual servitude, conducting business involving sexual servitude and deceptive recruiting for commercial sexual services.

Penalties range from 7 years to 20 year imprisonment

The Prostitution Act 2000

Identifies the provisions for offences relating to prostitution and associated purposes.

Penalties range from \$5,000 to \$50,000 fine and up to 14 years imprisonment.

INFORMATION REPORTING

Human Trafficking related offences can be reported to WAPOL via the regular reporting channels.

CONTACT INFORMATION

Operations Manager,
Organised Crime Squad
Serious and Organised Crime Division

Address: Level 7 Curtin House,
60 Beaufort Street
Perth WA 6000
Phone: +61 8 9223 3641



Australian Government

An initiative of the Australian Federal Police

