



Inquiry into human trafficking
Joint Committee on Law Enforcement
Parliament House
CANBERRA ACT 2601

Dear Chair, Mr Craig Kelly MP

Please forgive us for late submission of these documents (attached) aimed at helping the inquiry. The main author/mentor of the documents is Civil Liberties Australia member, Felicity Gerry QC, an acknowledged world authority on legal matters in relations to human trafficking. She has been busy in London on a seminal case*, which has delayed compiling this material.

CLA believes the three main efforts Australia should make at this time are to:

1. Enact laws that create mandatory protection for victims of human trafficking;
2. Enact criminal laws providing a complete defence to any criminal charge when committed by a victim of human trafficking and because they were victimised within the meaning of the Trafficking protocol; and
3. Enact corporate reporting mechanisms in relation to slavery, forced labour and human trafficking, with an annual report to parliament.

Other suggestions for further changes are in the attachments provided.

Thank you for the opportunity to make a submission. Lead author for this submission is Felicity Gerry QC, co-authors are Narelle Sherwill and Bill Rowlings.

Civil Liberties Australia is a not-for-profit association which reviews proposed legislation to help make it better, as well as monitoring the activities of parliaments, departments, agencies, forces and the corporate sector to ensure they match the high standards Australia has traditionally enjoyed, and continues to aspire to.

We work to help keep Australia the free and open society it has traditionally been, where you can be yourself without undue interference from 'authority'. Australians' civil liberties are about balancing rights and responsibilities, and ensuring a 'fair go'.

Yours truly,

Bill Rowlings OAM, CEO

* Felicity Gerry was lead barrister in February 2016 in overturning a 30-year-old 'principle' of British jurisprudence involving joint enterprise, in a case being quoted as "*a moment of genuine legal history*" – <http://www.bbc.com/news/uk-35603309> CLA hopes the Australian Parliament can create innovative human trafficking law which could similarly provide a lead to the rest of the western world.

Attachments:

2015: Research paper by Narelle Sherwill, CDU, on:

'Should Australia pass legislation that compels corporations to disclose the actions they have taken to eradicate the presence of Modern Slavery in their Supply Chains?'

2015: **Death Penalty submission of 1 October 2015**, by Narelle Sherwin and Felicity Gerry QC, which examines human trafficking issues. This submission was made originally to the Joint Standing Committee on Foreign Affairs, Defence and Trade.

2014: Article: ***'Let's Talk About Slaves...Human Trafficking (etc)'***, for the Griffith (Qld) Journal of Law and Human Dignity, May 2014. By Felicity Gerry QC.