

QUESTION TAKEN ON NOTICE

Parliamentary Inquiry : 08 June 2018

HOME AFFAIRS PORTFOLIO

(HOT/002) – Dropped human organ trafficking case

Asked:

CHAIR: Was it that sort of technicalities that were present in what I understand is the only case that's been referred to the AFP, which was later dropped because of the death of the alleged perpetrator?

Ms Pearce: I would probably have to confirm, but, from what I understand about that case in particular, the woman changed her mind upon arrival into Australia, and it didn't progress to prosecution, because, as the offence was drafted in 2011, it required the actual removal of the organ for an offence to have been committed. However, that was changed in the 2013 amendments to that legislation, so now it doesn't need to be a removal of the organ, just being reckless as to whether the organ would be removed. In addition to that case, the prospective recipient died during the investigation.

Answer:

To date, there has only been one reported case of organ trafficking referred to the Australian Federal Police (AFP). In 2011, an Australian couple were alleged to have brought a woman (Ms X) from the Philippines to Australia promising her monetary compensation and a working visa if she altruistically 'donated' her kidney.

On arrival in Australia, Ms X decided she did not wish to proceed with the donation and the matter was referred to the AFP. This matter did not progress to prosecution because the offence as drafted in 2011 necessitated the actual removal of the organ (the offence was broadened in 2013 to cover situations where an offender is reckless as to whether their conduct will result in the removal of a victim's organ). Additionally, the prospective recipient died during the investigation.