

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Human Rights Commission

Question No. BE16/006

Senator Heffernan asked the following question at the hearing on 5 May 2016:

Senator HEFFERNAN: Professor, under your guidance, portfolio and responsibilities, do you take any responsibility for the human rights of trafficked children and child prostitutes? Or has no one ever asked you before?

Prof. Triggs: We do, in fact, have a particular member of our staff who follows these questions.

Senator HEFFERNAN: Could I just put a proposition to you? As you know, I want to have a federal judicial commission and I have plenty of evidence. In Sydney, a group of seriously trafficked children were used by a group of gentlemen and they have had their lives destroyed. One of the particular gentlemen that used them was a bloke called Philip Bell. He was represented in court, knowingly, by a bloke called—I better not name the solicitor; and I can give you the details—under the false name of Philip Hill and got away with it. I wrote to the police—

CHAIR: Senator—

Senator HEFFERNAN: This is a human rights thing for the children.

CHAIR: But it does need to be a question.

Senator HEFFERNAN: I wrote to the police and said, 'Well why hasn't this guy'—the court knew that Philip Bell was appearing as Philip Hill. He of course went to jail eventually, and I think he is dead now. The solicitor—I will name the solicitor: Gordon Vivian Stewart—used to own the famous flat in Darley Street that everyone used. I asked the police whether Stewart had committed an offence for representing under a false name. The police wrote back some months later and said: 'In examining the matters you raised, consideration was given to the common law'—blah blah blah—'Matters of this nature are serious and require careful examination as to whether proceedings are commenced. In such matters, the prosecution must establish an intention to pervert the course of justice.' For God's sake! If you are knowingly doing it then you are intending. 'On the material provided by yourself'—which was just the evidence from the royal commission—'the only evidence that supports the allegation is the finding of the royal commission and in itself, may not be admissible.' But he is guilty. He owned up to it in the royal commission. 'I am advised that the prosecution always retains a discretionary power not to proceed with an indictment.' That is what they did. They decided not to proceed even though the guy was found guilty. What does that say about the human rights of the children who were trafficked?

CHAIR: Okay, there is the question.

Prof. Triggs: Senator Heffernan, thank you for raising this matter. We are aware of these sorts of trafficked incidents in Australia. We do keep a watching brief on these matters. What I would very much like to do, if I may, is take your question on notice because I do not know the details of the matter that you have raised. I would like to get back to you about it. It is obviously a human rights issue. I would have to say that from my own work in relation to trafficking some years ago, I know that the police are doing everything that they can to make sure that prosecutions are brought. Why a prosecution has not been brought in this case, I really do not understand. I would really like to look at it properly and get back to you, if I may.

Senator HEFFERNAN: Thank you very much.

The answer to the honourable senator's question is as follows:

The Commission has not received information sufficient to enable it to consider the matters directly raised by Senator Heffernan. The Commission is concerned at situations of child trafficking and is an active participant in the Government's National Roundtable on Trafficking and Slavery and in encouraging implementation on the National Action Plan.