

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
BUDGET ESTIMATES 2017

Attorney General's Department

Program: 1.2 AGD Operating Expenses - National Security and Criminal Justice

Question No. BE17-139

Senator Kakoschke-Moore asked the following question on 22 May 2017:

When people think of human trafficking often they think of trafficking into the sex industry.

Does this reflect the nature of trafficking in Australia today?

What resources have been directed to address these rising concerns?

What resources have been directed to improve communication between relevant agencies, including the Fair Work Commission and other employment and industrial bodies noting the change in types of trafficked people?

The response to the honourable Senator's question is as follows:

To date, the majority of trafficked people identified by Australian authorities have been women from Asia who have been exploited within the sex industry. However, in recent years the AFP is seeing a more diverse group of victims who have been exploited in a range of industries other than the sex industry. In 2015-16, 130 of the 169 human trafficking referrals received by the AFP related to serious forms of exploitation not involving the sex industry, including exploitation in the agriculture, hospitality and domestic service industries. The AFP is also receiving increasing referrals for forced marriage.

The *National Action Plan to Combat Human Trafficking and Slavery 2015-19* (National Action Plan) provides a robust framework to respond to all forms of human trafficking and slavery, including criminal forms of labour exploitation and forced marriage. Key measures include: comprehensive criminal laws; specialist AFP investigative teams; support for the CDPP to prosecute human trafficking and slavery; and dedicated visa and support programs for victims of these offences. Australia also works to reduce the drivers of human trafficking and slavery in the Asia-Pacific region through its international engagement. This includes investing \$20 million in a second phase of the *Tripartite Action to Protect Migrants within the Greater Mekong Sub-Region from Labour Exploitation*, in collaboration with the International Labour Organisation.

In late 2016, the Labour Exploitation Working Group (LEWG) was established as an ad-hoc specialist group of the National Roundtable on Human Trafficking and Slavery, to consider ways to strengthen Australia's response to serious forms of labour exploitation that constitute a criminal offence under Divisions 270 and 271 of the Commonwealth *Criminal Code*.¹ This focus is consistent with the operational remit of the National Roundtable on the *Criminal Code*

¹ These include human trafficking for the purposes of labour exploitation, forced labour, servitude, and debt bondage.

offences. The Working Group comprises members of the National Roundtable from relevant government agencies (including the Fair Work Ombudsman) and non-government organisations (including the Australian Council of Trade Unions (ACTU) and the National Union of Workers). Civil society members of the LEWG will deliver recommendations to the Australian Government in late 2017.

The Government's Migrant Workers' Taskforce was established in October 2016 and is assessing labour hire practices for companies that employ migrant workers and considering proposals to rectify systemic problems with exploitation and underpayment in specific industries and groups of vulnerable workers. As labour exploitation occurs on a spectrum – from actions that may constitute a civil breach under employment and workplace laws to those that constitute criminal conduct – the outcomes of the Migrant Workers Taskforce will also be relevant to the Government's response to human trafficking and slavery. AGD is a member of both the taskforce and the Labour Exploitation Working Group.

The Government has also invested significant resources in raising the awareness of vulnerable cohorts and relevant stakeholders, including frontline service providers and industry, about the risks of labour exploitation and forced marriage, and referral pathways.

For example, to assist individuals at risk of forced marriage, the Government funded the development of the *Forced Marriage Community Pack*², launched by the Minister for Justice on 2 December 2014. In June 2015, the pack was translated into Arabic, Dari, Farsi, Somali, Tamil and Urdu. In 2015 and 2017, AGD distributed more than 130,000 post cards nationally, to raise awareness of forced marriage. In 2015, and again in 2017, the Government funded a series of workshops in all of Australia's capital cities to raise awareness of forced marriage and promote the use of the community pack among frontline responders and service providers.

Since 2008, the Australian Government has also committed more than \$5.3 million to support NGOs in their efforts to combat all forms of human trafficking and slavery. Most recently on 30 July 2017, UN World Day Against Trafficking in Persons, the Minister for Justice awarded four specialist NGOs a total of \$500,000 over 2017-18 to undertake a range of projects to prevent and address human trafficking and slavery, including forced marriage.

The Government has also awarded grants targeting specific human trafficking and slavery issues. Over 2014-17, three NGOs received a total of more than \$485,000 to provide legal advice, progress community outreach and support, and conduct awareness-raising activities to prevent and address forced marriage. The National Action Plan also sets out a framework to facilitate communication between relevant agencies in responding to human trafficking and slavery.

At a whole-of-government level, the Interdepartmental Committee on Human Trafficking and Slavery (IDC) facilitates regular communication between relevant agencies and monitors the effectiveness of Australia's strategy to combat human trafficking and slavery. The IDC is chaired by the Attorney-General's Department and includes representatives from:

- Australian Criminal Intelligence Commission (ACIC)
- Australian Federal Police (AFP)

² The *Forced Marriage Community Pack* is available online at www.ag.gov.au/forcedmarriage.

- Australian Institute of Criminology
- Commonwealth Director of Public Prosecutions (CDPP)
- Department of Employment
- Department of Foreign Affairs and Trade
- Department of Immigration and Border Protection (DIBP)
- Department of Prime Minister and Cabinet
- Department of Social Services (DSS), and
- Fair Work Ombudsman (FWO).

The IDC is underpinned by an Operational Working Group (OWG) that is comprised of DIBP, AFP, AGD, DSS, and CDPP. The OWG is focused on resolving issues that arise in the management of individual cases, and meets approximately every six weeks. Additional agencies can attend the OWG on an ad hoc basis as needed.

A range of specific arrangements are also in place to promote information sharing and operational collaboration between agencies in relation to suspected instances of human trafficking and slavery, as well as migration law and employment law breaches.

Taskforce Cadena was established in June 2015 to enhance operational and intelligence capabilities to support whole-of-government efforts targeting organised fraud, illegal work and the exploitation of migrant workers. Taskforce Cadena is a Joint Agency Taskforce comprising DIBP, the Australian Border Force and the FWO.

The National Action Plan also emphasises the important role of civil society and business in combatting human trafficking and slavery and highlights the function of the National Roundtable as the primary consultative mechanism between the Australian Government, civil society organisations, academia, business, industry and unions. This multi-stakeholder forum plays an important role in ensuring a whole-of-community response to these crimes and driving continual improvement in Australia's response.