

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

BUDGET ESTIMATES 2016 - 2017

1.7 National Security and Criminal Justice

Question No. BE17-158

Senator Pratt asked the following question on 05 June 2017:

The 8th IDC report indicates the AFP undertook 169 new investigations of trafficking and slavery-related matters. It also reports that 38 individuals were referred onto the Support Program, run by the AGD.

- 1) What happened to the other 131?
- 2) Were these cases or individuals?
- 3) Of those 131:
 - a. how many were not referred onto the Support Program that you administer because they were unwilling to cooperate with law enforcement?
 - a. how many were young people impacted by forced marriage?
 - b. were any subject to removal by the DIBP?
 - c. how many were successfully linked to another service provider?

The 7th IDC report indicated the AFP received 119 referrals in the previous FY and yet only 38 were referred onto the Support Program.

- 4) How does the Department account for this trend?
- 5) If referrals to AFP are increasing, has the Department looked into or considered why the number of referrals to the Support Program - run through the AGD – are not increasing as well? If not, why not?
- 6) Of the 38 referred onto the Support Program in each of the last two years, how many accessed only the initial assessment stream (45 – 90 days)?
- 7) What happened to those who were referred off the program after the initial reflection/assessment stream?
- 8) Of the 38 referred onto the Support Program in each of the last two years, how many of those impacted by forced marriage accessed the justice support stream? In other words, how many people impacted by forced marriage decided not to cooperate with the AFP/were thus, ineligible for the Department's full program?
- 9) Can the Department provide a breakdown of the number of permanent (trafficking-related) visas that have been granted to primary victims and the total number of visas granted to eligible family members? Please break these down according to past and present visa types (i.e. Witness Protection Trafficking Visa is now Referred Stay visa.)

The 8th IDC report indicates that 132 people have received either the WPTV or Referred Stay visa since the permanent visa regime for trafficking victims was adopted in 2008-09. 311 victims have been referred onto the Support Program; thus only 43% of victims have received visas.

- 10) Does the government track what happens to this group when they do not engage with the AFP and do not go onto the Support Program?

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

1-8)

The number of referrals received by the AFP is not necessarily reflective of the number of ongoing investigations, confirmed cases or individual victims. There are a range of reasons as to why a referral received by the AFP may not result in a referral to the Government's Support for Trafficked People Program (STPP). Upon receiving a referral, the AFP conducts an initial assessment of whether there is a reasonable suspicion that the individual may be a victim—or at risk—of human trafficking or slavery-related offences. Should the AFP establish reasonable suspicion, the individual is eligible for referral to the STPP (with their consent).

The STPP is administered by the Department of Social Services, with case management support delivered by the Australian Red Cross. Detailed questions about the STPP should be directed to DSS.

All trafficked people referred by the AFP are eligible to receive up to 45 days of assistance on the Assessment and Intensive Support Stream, irrespective of whether they are willing or able to assist with the investigation or prosecution of a human trafficking or slavery-related offence. A further 45 days on the Extended Intensive Support Stream is available, on a case-by-case basis, to suspected trafficked people who are particularly vulnerable or willing but temporarily unable to assist with the criminal justice process. Children are automatically entitled to receive up to 90 days intensive support.

Clients are transitioned off the STPP when either the AFP determines the criminal justice process is complete or cannot progress further, or when the client initiates the transition voluntarily. Pending exit, clients enter a 20 working day Transition Period, specifically designed to ensure they exit into safety. Red Cross case workers continue to work with clients during the Transition Period by providing final referrals and ensuring all long-term supports are in place.

Red Cross case workers ask exiting clients if they would be willing to be contacted after they have left the STPP. Clients generally choose to move on with their life without further engagement. However, the AFP and Red Cross provide exiting clients with comprehensive information about how to re-engage with the STPP at any time following exit.

9-10)

Questions about the Human Trafficking Visa framework should be directed to the Department of Immigration and Border Protection.