

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
COMMONWEALTH DIRECTOR OF PUBLIC PROSECUTIONS

Question No. 225

Senator Ludwig asked the following question at the hearing on 14 February 2006:

For 2004-05 and 2005-06 (to 17 February 2006):

- a) How many charges have been brought against persons for human trafficking or other sex slavery charges?
- b) What are the outcomes of these charges? For each charge, indicate whether it has been resolved and, if so, whether it resulted in:
 - i) A verdict of guilty
 - ii) A verdict of not guilty
 - iii) The entrance of nolle prosequi
 - iv) A mistrial
 - v) The dropping of the charges (specify why the charges were dropped)
- c) In how many cases has a witness on a criminal justice stay visa failed to appear?

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

- a) The CDPP provided information in Question on Notice 154 asked on 31 October 2005 about sexual servitude and/or sexual slavery prosecutions. No additional persons have been prosecuted since that answer was provided. This leaves 12 defendants. There is a suppression order in place in relation to one matter.
- b) There has been one matter involving two defendants which has resulted in a 'hung' jury on some charges, and acquittals on other charges. Each of the defendants in that matter was charged with ten offences against section 270.3 of the *Criminal Code*. The jury failed to reach a verdict against any of the ten counts against one defendant, and two of the charges against the other defendant. The jury acquitted the second defendant of the other eight charges. The charges against the first defendant will be re-tried commencing in April 2006.

There are two defendants in a matter in Sydney who are facing charges under sections 270.3 and 270.6 of the *Criminal Code*. The defendants were committed for trial on those charges. The defendants were also facing charges under section 86(2)(a) of the *Crimes Act 1900* (NSW). One of the defendants was committed for trial on a charge under that section, and the Magistrate dismissed the charge against the other defendant under that section.

There has been one matter involving four defendants which has resulted in a mistrial. The CDPP intends to present a fresh indictment in that matter.

There are three defendants in Melbourne currently facing charges under section 270.3 of the *Criminal Code* (amongst other charges). Those matters are currently listed for committal proceedings to commence in March 2006.

The CDPP's answer to Question on Notice 154 referred to one prosecution in which no evidence was offered against three defendants. In that matter, the jury failed to reach a verdict, and the prosecution's main witness, who had returned to live overseas, did not wish to make herself available to give evidence at a re-trial. In those circumstances, there was insufficient evidence to continue prosecution action and the CDPP offered no evidence in relation to the charges.

In that matter, the defendants were indicted with offences as follows:

- Defendant one: one offence against 270.3(1) of the *Criminal Code*, and offences against section 80D, 80E, 86 of the *Crimes Act 1900* (NSW);
- Defendant two: one offence against section 270.3(1) of the *Criminal Code*, and offences against section 80D, 80E, 86 of the *Crimes Act 1900* (NSW); and
- Defendant three: offences against section 80D, 80E, and (aiding and abetting) 86 of the *Crimes Act 1900* (NSW).

In another matter, the CDPP offered no evidence against another defendant in May 2004. That defendant had been charged with offences against 270.3 of the *Criminal Code*. There was insufficient evidence to support prosecution action against that defendant for those charges.

The charges against any one defendant may have been refined in the course of the prosecution to properly reflect the evidence against him or her.

c) The CDPP is not aware of any cases where a witness on a criminal justice stay visa has failed to appear.