

To the Legal and Constitutional Legislation Committee of the Senate,

This email is in response to the question from Maurise Payne about the specifics of the Amendments to the Criminal Code Bill (RE: Trafficking) and its application to non-Australian citizens.

She is correct to assert that a 'victim' being a non-citizen is but one qualification for prosecution of offences under the proposed Bill.

However Scarlet Alliance maintain that the Bill is ethnographically focussed on non-citizens and their vulnerability to 'exploitation' and therefore 'trafficking' within the Australian sex industry.

The use of; the category of non-citizen, admissible evidence of english speaking status and migration status, the total criminalisation of a sex work contract, lack of visas for sex workers and ethnographic targetting by DIMIA (which already occurs) all add up to the mythology that it is only young, female, south east asian sex workers who are victims of trafficking.

If the Federal Government would like to improve our response to trafficking, the complex migratory and economic issues that underlie it must be adressed.

The knee-jerk reaction of criminalising behaviors that are suspected to be involved in trafficking (we say suspected because there is very little un-biased and reliable research in this area) will only lead to making the issue more acute, not solving any of the causes.

We urge the committee, at minimum, to consider adressing the civil and human rights concerns in relation to 'absolute liability.'

And in conclusion, Scarlet Alliance recommends that explicit reference to 'sexual services' in relation to trafficking charges and the definition of 'personal service' (relating to debt bondage) be removed, resulting in more general and non-discriminatory application of the law.

Thank you for the opportunity to respond to you questions, and if there are any more, please email me or call 0401 317 102.

Sincerely,
Elena Jeffreys
Volunteer Policy Analyst, Scarlet Alliance