

Parliament of Victoria

Legal and Social Issues Committee

Meeting notes

Date and time: Monday 16 March 2026, 4.00 pm

Location: Meeting Room G.5, 55 St Andrews Place, East Melbourne

Present	Ella George MP (Chair) Chris Couzens MP	John Lister MP Cindy McLeish MP
In attendance	Heather Moore, Director, Policy and Research	Committee Secretariat staff

Australian Anti-Slavery Commissioner

About the Australian Anti-Slavery Commissioner

The first Anti-Slavery Commissioner, Mr Chris Evans, was appointed on 7 November 2024 for a five-year term. The Commissioner's key areas of work in addressing modern slavery include:

- education and awareness raising
- supporting and engaging with people with lived experience of modern slavery
- supporting Australian businesses to address risks of modern slavery in their operations and supply chains
- advocacy and research.

Heather Moore has 25 years' experience in anti-slavery and trafficking, working across direct service, policy and research in the United States and Australia.

Consultation on the Commissioner's strategic plan, included 34 individuals with lived experience, two of which were former Jehovah's Witnesses. This brought to attention the overlap between forced labour and coercive high-control groups.

Parallel experiences and shared challenges

There are strong parallels between the experiences of victims of modern slavery and those affected by coercive high-control groups. In both contexts, victims often struggle to recognise that what they are experiencing is wrong, particularly where coercion is gradual, psychological, and normalised over time. Similar patterns of fear, dependency, loyalty, and isolation make it difficult for individuals to question their treatment or leave.

These shared dynamics also create significant barriers to seeking help. Victims may fear retaliation, worry about the impact on family members, or feel responsible for protecting those causing harm. When victims do come forward, they face similar challenges in gathering evidence and meeting legal thresholds, especially where abuse occurs behind closed doors and relies on control rather than physical force.

Survivors often express concern not only for their own safety but for the wellbeing of others in the household, such as children or elderly family members. In some cases, an insider may assist a victim to leave. These dynamics highlight the relational complexity behind decisions to remain or leave and help explain why victims do not simply exit exploitative situations when outside observers assume they could.

In modern slavery contexts, many victims do not prioritise prosecution or legal justice. Instead, they want to be listened to and believed, to receive support and validation, and to know that the harm they experienced will not happen to others.

The Salvation Army runs Australia's only dedicated anti-trafficking shelter, based in Sydney. Australia lacks specialist housing for people impacted by trafficking and modern slavery.

Do coercive high-control group practices amount to modern slavery?

It is difficult to determine whether all coercive high-control group practices meet the legal definition of modern slavery, particularly as only limited testimonies have been received to date and there is limited or no case law. Some individuals assert experiences of child exploitation, forced marriage and forced labour, but the key legal issue is identifying where the line is drawn.

Under the law, forced labour requires that a reasonable person in the position of the victim would feel compelled to provide labour and would not feel free to refuse or leave. This is assessed using a "reasonable person test"—that is, whether a reasonable person, in the same position and relationship to the perpetrator, would have felt free to leave or refuse the work.

A significant challenge arises in cases involving coercive high-control groups, as coercion is often psychological rather than physical. While victims may subjectively experience intense pressure, fear, or obligation, proving psychological coercion in an objective legal sense is difficult. Prosecutions rely heavily on victim testimony, but many victims struggle to provide sufficient evidence due to limited physical proof, trauma, or mental health impacts, and a reluctance to engage with institutions.

Challenges in prosecuting

Unaware of any successful prosecutions in Australia relating to cases arising from coercive high-control groups. Unsure if any cases have proceeded under state-based offences, but unaware of any that are known to have resulted in successful convictions.

More broadly, Australia has recorded around 30 prosecutions for trafficking or slavery related offences since 2002-2003 (see for example, [Melbourne couple who enslaved a woman for eight years have proceeds from sale of home forfeited](#)). This reflects the wider difficulty in securing convictions in this area. While prosecution rates are low globally, they are particularly low in Australia (see for example, Australian Institute of Criminology, [Attrition of human trafficking and slavery cases through the Australian criminal justice system](#)).

Stronger coordination between jurisdictions may assist, particularly by using parallel state and federal offences.

Suggested reforms to improve prosecution outcomes

In 2023, the Australian Attorney-General's Department released a [Report](#) setting out findings from its Targeted Review of Divisions 270 and 271 of the Criminal Code, which contain Australia's modern slavery offences. The Australian Government has agreed to develop potential legislative reforms in response. While no formal recommendations have been issued,

several areas where reform may improve prosecution outcomes and reduce barriers for victims were identified.

- **Reducing the current reliance on victim testimony:** Instead enabling prosecutions to be supported by other forms of evidence and broader public-interest considerations.
- **Simplifying existing trafficking- in-persons offences:** Particularly in relation to domestic child sex trafficking, where constitutional and jurisdictional issues, such as whether movement occurs across state borders, can limit the ability to prosecute.
- **Greater appetite for risk:** Low prosecution rates create hesitancy, deter investigations and slow case progression. These challenges are compounded by limited concrete evidence. As exploitation trends increasing rely on psychological control rather than physical restriction of movement and surveillance, cases are significantly harder to prove and typically require expert evidence.
- **Protections for reporting and better understanding of victims:** Victims often face unhelpful questions about why they did not leave exploitative environments, reflecting a misunderstanding of coercive dynamics, fear, and vulnerability. Victims, particularly migrants or visas holders, may fear repercussions for their families, with threats against loved ones functioning as a powerful deterrent to disclosure or cooperation with authorities. Many people report that they would not consider approaching the police or authorities until they were confident their family members were safe.
- **Lack of national compensation/redress scheme:** Advocates have called for a national compensation scheme for victims, but responsibility has been placed on states. As eligibility requires the harm to constitute a state-based crime, many victims are unable to access any compensation.

Engaging non-English speaking communities

Australia's approach to forced labour, forced marriage and slavery reflects a narrow and often culturally limited understanding. Attention frequently centres on non-white communities. For examples, responses to forced marriage tend to concentrate on Muslim and South Asian communities, with comparatively less attention on Anglo-Christian or other cultural contexts.

While exploitation of temporary migrant workers requires close attention and action, many situations raised as "modern slavery" are more accurately described as Fair Work breaches or, in the PALM Scheme, breaches of the Deed of Agreement, underemployment rather than slavery offences. This can blur distinctions and weaken appropriate responses. See for example, Peter Mares, Scanlon Foundation Research Institute, [Improving PALM](#) (Pacific Australia Labour Mobility Scheme) and Migrant Worker Survey, by the Migrant Justice Institute (for a more general report on migrant worker welfare see for example, International Labour Organization, [Temporary labour migration schemes in the Pacific through the lens of international human rights and labour standards](#)).

Distinguishing volunteering from forced labour in proselytising and for-profit activities

- **Menace of penalty:** Forced labour is distinguished from labour exploitation by restriction of movement. This can arise where a person feels compelled to work because they fear consequences if they refuse. This illustrates the concept of a "menace of penalty" used in forced labour law. See for example, [Courage v Attorney-General \[2022\] NZEmpC 77, \(2022\) 18 NZELR 746](#), a NZ case involving a community called Gloriavale, where members' labour was not solely for religious purposes but also for commercial benefit, and where there were consequences for leaving or refusing to work.
- **Tithing practices:** Distinguishing between voluntary religious contributions and coercive financial expectations within some groups is difficult. While expectations for volunteering or donating to a local church is not inherently exploitative, concerns may arise when

individuals face isolation, loss of status, withdrawal of allowances, or exclusion if they do not comply. These situations require professional legal case-by-case assessment to determine whether the circumstances meet the legal definition of forced labour.

- **Key considerations:** How funds are used and what consequences exist for nonparticipation is important in identifying potential coercive labour or financial exploitation.

Trends in offending

- Australia initially criminalised only sexual forms of servitude and exploitation, shaping early case law and public perceptions. From 2013, offences were expanded to include forced marriage, a stand-alone forced labour offence, and an expanded definition of servitude to encompass non-sexual exploitation, which shifted case patterns.
- Most common reports to the Australian Federal Police (AFP) involve forced marriage, domestic servitude, and ‘exit trafficking’ (transnational partner abandonment). See the Australian Governments, Australian Institute of Health And Welfare (AIHW) Key findings [In 2024–25, the Australian Federal Police \(AFP\) received more reports of modern slavery \(420\) than in any other reporting period](#), as well as other modern slavery statistics.

Intersectionality with family violence and disability

- Recent practice has seen the federal servitude offence used alongside family violence legislation (DPP v Miller S ECR 2024 0177), reflecting growing intersections between modern slavery, family violence, disability and coercive high-control group dynamics (see for example, a journal article documenting the intersections between modern slavery and family violence, [Service or Servitude: A Study of Trafficking for Domestic Work in Australia](#)).
- Abuse can be compounded where perpetrators exploit caregiving roles, dependency, or disability-related vulnerabilities, and highlights the need for strong coordination between Commonwealth and state legal frameworks and responses.
- It is unclear whether these evolving patterns require parallel offences or adjustments to existing frameworks. Prosecutors are beginning to utilise Commonwealth offences in new ways. See for example, [Melbourne couple face court for modern-day slavery charges](#), where, for the first time, the federal servitude offence was used alongside state family violence charges.

Forced marriage

- Victoria was the first state to introduce forced marriage into the definition of family violence. There has been little progress/action since. See for example, Monash Gender and Family Violence Prevention Centre, Monash University journal article, [Forced Marriage as a Form of Family Violence in Victoria](#).
- Most documented forced marriage cases involve Australian citizens or permanent residents, many of whom are taken overseas for the marriage and later return to bring the spouse to Australia.
- Multiple individuals may be complicit, and Australian law allows for any person involved in facilitating a forced marriage to be charged. However, the drivers for forced marriage are complex (see for example, Australian Muslim Women’s Centre for Human Rights, *The Unintended Consequences of Australia’s First Forced Marriage Conviction*) and prosecutions remain extremely rare because they are not seen as a desirable outcome for those affected (see for example, Dr Laura Vidal and Marie Segrave, [Is Australia’s first forced marriage conviction a win for modern slavery efforts?](#); and [CDPP v JAN \[2024\] VCC 1122](#), in which the victim’s mother was prosecuted after the victim chose not to cooperate with police and was later, tragically murdered by her spouse).
- In some families, forced marriage is used as a “solution” to curb perceived rebellious behaviour or sexual orientation.

- There is a great deal of emotional complexity for survivors, many of whom acknowledge their parents' role but also recognise that their parents may themselves have been coerced.
- Prosecution is often not a desirable outcome for victims, and fear, familial ties, and complex loyalties contribute significantly to under-reporting.
- A civil protection framework is recommended, particularly for young people at risk of forced marriage. Australia has been exploring a national forced marriage protection order scheme, as many young people cannot obtain an Apprehended Violence Order (AVO) before any offence has occurred. Existing laws fail to recognise the long-term grooming, preparation, and coercive control that precede forced marriage. A civil mechanism, like the UK model, would allow young people to seek protection early, without the severity or consequences of criminal prosecution, and would encourage earlier help seeking.
- [Dr Laura Vidal](#) from University of Wollongong has researched young women's experiences navigating the justice system, including the role of grooming. Her work identified that many victims find it difficult to pinpoint when the grooming starts, as it is often normalised through long-standing family and cultural dynamics experiences from childhood. See "[I didn't want to bring more problems to my parents": Understanding how young women seek help for forced marriage in Australia](#)". Dr Vidal is also currently leading research into the relationship between trafficking, slavery, and slavery-like practices within high-control groups in Australia. Commissioned by the NSW Anti-Slavery Commissioner, this project aims to develop a preliminary understanding of whether and how high-control group dynamics intersect with trafficking and modern slavery. The project team includes Dr Laura Vidal (Lead), Dr Delia Rambaldini-Gooding, and Dr Maryann Barrington.

Opportunities for states to strengthen anti-slavery responses

- New South Wales has established an Anti-Slavery Commissioner.
- Many countries that ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons (the Trafficking Protocol) initially adopted federal-only approaches, but over time recognised that modern slavery cannot be effectively addressed by federal actors alone. Instead, successful models rely on community-based policing, health and education systems, labour inspectorates, and other local agencies that act as the "eyes and ears" of the community.
- Australia has not yet fully embraced this decentralised approach, but progress is being made. This is a priority for the Australian Anti-Slavery Commissioner. In the United States, federal funding is directed to state-based initiatives to support collaborative, locally adaptable models (see for example, US Department of Justice, Community Orientated Policing Services, [The Office for Victims of Crime's Enhanced Collaborative Model Task Force to Combat Human Trafficking](#)).

Service system limitations

As recognition of the intersections between modern slavery, family violence, high-control groups, disability and other issues grows, more demands are being placed on a system that was originally designed with a more narrow understanding of who may be a victim of modern slavery. The Office has heard from people with lived experience that this is creating access challenges for many victim-survivors.

Access to long-term federal support is dependent on AFP referral, meaning the Red Cross cannot assist individuals unless they have been referred through the criminal justice pathway. This creates a situation where many victims are unable to access support, not because of a lack of need, but because the system is structured too narrowly.

Key problems include:

1. **Access:** Where victims cannot enter the system unless their circumstances meet strict criteria.
2. **Service-design:** Where support is routed through a single service provider, it limits capacity to meet the diverse needs of all victims, particularly children.
3. **Resourcing:** There are questions about whether the service and justice response are funded to meet increasing demands on these systems as more victims come forward each year.
4. **Training and education:** The Office would like to see more collaboration and cross training with a broader range of service providers, including those in disability, family violence, youth services and migrant support, to recognise indicators of modern slavery and collaborate more effectively. This could substantially improve support for individuals whose experiences cut across multiple systems.
5. **Need diversity in the sector:** There is a clear lack of diversity in the people within the support system services.
6. **Barriers for First Nations communities:** There is underrepresentation in current anti-slavery responses. Although evidence indicates that cases of forced marriage may have occurred in some First Nations contexts, people are reluctant to engage with services/institutions due to the complex relationship and historic mistrust of government systems. There needs to be more First Nations representation within the anti-slavery services sector.

Additional Referral Pathway Program

(<https://www.salvationarmy.org.au/additional-referral-pathway/>)

- Created because many victims who are too fearful to approach police were not being identified and supported. Research by [the Australian Institute of Criminology](#) indicates that for every one victim identified, four go undetected, with earlier estimates suggesting around 1,900 victims in 2016–17, while other figures place the number closer to 40,000. [AFP figures](#) covering the 2024–25 financial year, detailed 420 reports of human trafficking, an increase of 10 per cent from 382 the previous year. See, Australian Government, Australian Institute of Criminology, [Statistical Bulletin 16: Estimating the dark figure of human trafficking and slavery victimisation in Australia](#), Samantha Lyneham, Christopher Dowling and Samantha Bricknell; and AFP, [Reports of human trafficking nearly double over past five years](#).
- The referral pathway, which is administered by The Salvation Army, allows individuals to access the Support for Trafficked People Program (administered by Red Cross) without going through police, providing up to 90 days of assistance, including legal advice and connection to broader services. Referrals come from a wide range of sources.
- Rising numbers through the additional referral pathway are evidence that diversifying access pathways for victims to access support, rather than channelling everyone through law enforcement (who they fear or mistrust) is an effective strategy to increase detection and thus, protection.

Encouraging help-seeking and proactive engagement

- In response to the Committee's question on targeting community awareness raising, it was emphasised that a more prudent approach would be to look at inquiry evidence to first understand help-seeking behaviour (where people go for support and ask for help) and then target engagement efforts to where victims are going for help. Community-based approaches should reflect these real pathways, as awareness campaigns alone often have limited impact.

- There is value in asking survivors reflective questions, such as “*What would have helped you get out sooner?*”, to better understand help-seeking pathways and to inform more effective policy and support responses.
- The movement is beginning to see the emergence of survivor leaders, though the elevating of survivor voices has been a slow and challenging process, as survivors have not been properly consulted until very recently. *Survivor Connections* is the first survivor-led anti-slavery initiative in Australia.
- Community engagement is very important in supporting survivors who may be reluctant to interact with law enforcement. While specialist programs undertake some outreach, additional insights could be drawn from organisations such as the Australian Muslim Women’s Centre for Human Rights, which has extensive community-based engagement experience.
- Engagement strategies should avoid framing harm through simplistic lenses that reduce the issue to cultural or religious issues. Forced marriage is far more complex than these frames allow, which is demonstrated in the evidence put to the Committee. A non-cultural and non-religious approach recognises that coercion, exploitation, and control can occur across all communities, and helps reduce stigma, stereotyping, and barriers to disclosure.