



**Inquiry into People Trafficking for Sex Work
Government Response**

December 2011

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INTRODUCTION

On 13 August 2009, the Parliament of Victoria requested that the Drugs and Crime Prevention Committee inquire into people trafficking for sex work.

The Committee's report was to include:

1. the extent and nature of trafficking people for the purposes of sex work into Victoria from overseas;
2. the inter-relationship (if any) between the unlicensed and licensed prostitution sectors in Victoria, and trafficking for the purposes of sex work;
3. the current and proposed intergovernmental and international strategies and initiatives in relation to dealing with trafficking for the purposes of sex work; and
4. the need for policy and legislative reform to combat trafficking for the purposes of sex work in Victoria.

The Committee's final report from its *Inquiry into People Trafficking for Sex Work* was published on 8 June 2010. In the report, the Committee made 27 recommendations for Victorian Government action and three for Commonwealth Government action.

The recommendations concern:

- coordination and service delivery;
- law and criminal justice issues;
- education, training and awareness;
- victim support and support services;
- research; and
- Commonwealth responsibilities.

The Victorian Government thanks the Drugs and Crime Prevention Committee (the Committee) for the final report. The Committee's report and recommendations shed some light on the issue of sex trafficking and raise a number of matters that warrant further consideration.

People trafficking, slavery and sexual servitude are heinous crimes. These are crimes not only of sex or of violence, but also crimes of exploitation. They involve grave abuses of human rights. The Government condemns the practice of sex trafficking and is extremely concerned that cases in Victoria continue to be detected.

The Government has acted upon the clear commitments it made in relation to illegal sex work and the clarification, strengthening and enforcement of relevant laws. These include establishing a multi-agency illegal brothel taskforce, and passing legislation to toughen asset confiscation laws relating to illegal sex work crimes and to make Victoria Police the lead agency for enforcement to ensure that appropriate attention is paid to the removal of criminal elements.

The Government welcomes Commonwealth and international initiatives to prevent and eradicate people trafficking for sex work and for other purposes. While policing and prosecution of people trafficking are largely the Commonwealth Government's responsibilities, the Victorian Government will progress a range of initiatives to address sex trafficking directly, to target illegal and unlicensed sex work services more broadly, and to offer appropriate assistance to sex workers.

COORDINATION AND SERVICE DELIVERY

Recommendation 1

The Committee recommends that the Government should establish a whole of government Sex Industry Regulation, Policy and Coordination Unit. The Office should be located under the responsibility of the Attorney-General in the Department of Justice.

Recommendation 2

The Committee recommends that the role of the Sex Industry Regulation, Policy and Coordination Unit should include:

- the regulation and monitoring of all aspects of Victoria's sex industry (brothels, escort services and all other registered sexual service providers).

Specifically with regard to sex trafficking the Unit's responsibilities should include:

- developing and implementing comprehensive sex trafficking policy advice for the Victorian Government;
- developing a community engagement strategy to indicate how the public, community organisations and sex industry members can have ongoing input into trafficking policy;
- liaising with federal and state agencies, sex industry NGO support and advocacy groups, professionals in the field, community agencies and media;
- disseminating information with regard to sex trafficking;
- developing and coordinating training programs on sex trafficking;
- developing and coordinating a research agenda and commissioning research on trafficking;
- developing in liaison with senior media representatives a protocol on the reporting of trafficking issues;
- liaising with and supporting local government and community agencies to develop responses to trafficking;
- implementing the advice and recommendations of the Trafficking Policy Advisory Group;
- identifying available resources and gaps in service delivery in order to plan a response to trafficking at both state and local levels;
- identifying key personnel and agencies in the community who have expertise in dealing with trafficking in order to establish a comprehensive referral and resource network;
- ensuring that trafficking in persons is also addressed within other state government policies, such as the State Plan to Prevent Violence Against Women; and
- the monitoring of sex trafficking exit programs.

Recommendations 1 and 2: SUPPORTED IN PART

The Government concurs with the Committee's finding that accountability for enforcement against illegal sex work is unclear and improved clarity and cooperation are needed. The Government also recognises the merit in a co-ordinated, inter-agency approach to sex work regulation and policy, and the effectiveness of such collaboration in the detection and prevention of crimes, including sex trafficking.

To that end, the Government will make Victoria Police the lead agency for enforcement of criminal laws relating to sex work, to ensure that appropriate attention is paid to the removal of criminal elements. The Sex Work and Other Acts Amendment Bill 2011, which was passed by Parliament on 24 November 2011, includes changes to this effect.

The Government has also established a dedicated sex work taskforce, the Victoria Sex Industry Strategic Management Group, involving relevant State, Commonwealth and local government authorities. Led by Victoria Police, the taskforce will oversee a multi-agency enforcement program designed specifically to target illegal sex work operations and related crimes. The program will utilise the multi-disciplinary expertise of enforcement agencies such as State and Federal Police, immigration authorities and local councils. The taskforce's objective is to share data, intelligence and resources in order to identify, arrest and prosecute offenders.

The Government believes that, while crime committed in the context of sex work is most appropriately addressed by relevant police authorities, compliance matters concerning the legal industry are best handled by regulatory authorities. The Government will retain the existing arrangements for the operational and administrative work associated with regulating the legal industry. This work ranges from licence processing and oversight, probity checking, and compliance monitoring of the legal brothel and escort industries, to applying relevant planning controls, ensuring public health and safety standards are met and maintaining the small owner-operator register. Matters of a clear regulatory nature are not apt to being subsumed under the trafficking or policing banner.

Indeed, a range of specialist Government agencies (including Consumer Affairs Victoria, the Department of Health, the Business Licensing Authority, Local Government Victoria and the Office of Women's Policy) should be involved in the regulation of the legal industry and the welfare of sex workers. These Government agencies are hubs of field expertise that risk being diluted if officers were to be placed in a standalone sex work unit.

The Government instead supports the utilisation of the existing Sex Work Interdepartmental Committee (IDC) to oversee the integration of state-funded services with each other and with Commonwealth-funded services responding to sex trafficking issues. This will facilitate the development and strengthening of protocols and collaboration between police, Government agencies and regulatory bodies, and funded services.

Through the Sex Work IDC, the Government can also consider ways to forge stronger links to existing mechanisms and expertise in the sexual assault and family violence areas, and examine ways in which the substantial existing service networks responding to these crimes might be used to better support victims of trafficking.

For example, the Office of Women's Policy program of work to prevent violence against women may contribute to addressing the issue of trafficking. The Government will consider whether there is scope within the broader program on preventing violence against women to address the issue of trafficking. For example, the Local Government Preventing Violence Against Women in Our Community Program is currently engaging nine local governments in three community cluster sites to drive attitudinal and behavioural change across a range of settings and services in communities to prevent violence against women. These local governments will work with community organisations, workplaces, sporting clubs and local media to shape attitudes and behaviours that stop violence against women and support gender equitable and respectful communities. The Government will consider whether there is scope within these proposed community pilot sites to implement strategies aimed at preventing sex trafficking, as part of its

broader program of work to change attitudes and social norms contributing to violence against women.

The Government believes that the approach set out above – involving an enhanced policing focus, a multi-agency illegal brothel taskforce and the utilisation of the specialist policy skills of the Sex Work IDC to examine how to improve existing services – will be more comprehensive in responding to all aspects of the sex industry. The Government's approach may also enable Victoria to play a key role on this issue in the context of the recently-released *National Plan to Reduce Violence against Women and their Children 2010-2022*, and support the dissemination of information to other jurisdictions through its cross-jurisdictional governance mechanisms.

The Government recognises the Commonwealth Government's primary role in people trafficking matters, including policing, prosecution, research and victim support. The Government considers that, in order to enhance the response to trafficking in a meaningful way, it is more effective to complement existing Commonwealth Government resources and efforts, through stringent regulation of the legal sex work industry, increased effectiveness in policing illegal sex work and intelligence-sharing between State and Commonwealth agencies.

The Government understands that sex work policy can intersect with policies on criminal law and victims support, which are areas of relevance to the Attorney-General's legal portfolio. However, the Government believes that the lawful and regulated industry should be dealt with alongside other licensed sectors within the portfolio of the Minister for Consumer Affairs. Other matters are rightly dealt with in other Ministerial portfolios – including those of the Minister for Women's Affairs, the Minister for Health and the Minister for Police.

Recommendation 3

The Committee recommends that the Sex Industry Regulation, Policy and Coordination Unit should establish and support an expert Sex Trafficking Advisory Group to provide ongoing formal consultation with government and non-government organisations, representatives from the sex industry, and other community groups.

Recommendation 3: SUPPORTED IN PRINCIPLE

The Government values the insight of stakeholders from industry, non-government organisations and the community and supports in principle the notion of a mechanism for ongoing formal consultation. However, the *Sex Work Act 1994* already provides for such a mechanism in the form of the Sex Work Ministerial Advisory Committee.

The Ministerial Advisory Committee is the key consultative body on sex work issues. Care is taken to ensure the Ministerial Advisory Committee's members include representatives of non-government organisations; sex workers and licensees; health and legal professionals who work with sex workers; and other relevant stakeholders.

In 2010, a member of the child protection charity, Childwise, with substantial experience and background in anti-trafficking work, was appointed to the Committee to supplement expertise in this area. In 2011, the Director of the Michael Kirby Centre for Public Health and Human Rights was appointed to the Committee. The Government plans to make further new appointments to the Committee to enhance the Committee's expertise.

Recommendation 4

The Committee recommends that clear protocols outlining areas of responsibilities and methods of collaboration and communication be developed between relevant State agencies. This includes local councils, police, Consumer Affairs, and health inspectors. Protocols should be reviewed on a yearly basis to ensure that staff maintain awareness about trafficking and sexual servitude.

Recommendation 4: SUPPORTED IN PRINCIPLE

The Victorian Government recognises that collaboration between relevant agencies is crucial to support both the detection and prosecution of crimes related to illegal sex work and the efficient regulation of the industry generally.

Accordingly, the Government committed to amending legislation regulating the sex industry to minimise and, where possible, eliminate any uncertainties as to responsibility for enforcement. The Sex Work and Other Acts Amendment Bill 2011, which includes changes to make Victoria Police the lead agency for the enforcement of sex work industry laws, was passed by Parliament on 24 November 2011.

Building on existing cooperative relationships, the Government's new sex work taskforce, the Victoria Sex Industry Strategic Management Group, includes State Government agencies such as Consumer Affairs Victoria, as well as relevant Commonwealth Government agencies and local councils. The taskforce is in the process of establishing a multi-agency program under which enforcement roles and collaborative approaches will be clearly articulated.

Previously, Memoranda of Understanding (MoUs) have been used to set out protocols for matters such as intelligence-sharing, cooperation on inspections and operations, and the coordinated, integrated enforcement of Commonwealth, State and local laws relevant to illegal sex work activities. The need for MoUs on the policing of illegal brothels will be reviewed concurrently with the implementation of the Government's commitments to enhanced enforcement of sex work laws and establishment of a sex work taskforce.

LAW AND CRIMINAL JUSTICE ISSUES

Recommendation 5

The Committee recommends that an offence of debt bondage similar to that found in the Commonwealth Criminal Code be enacted in Victoria.

Recommendation 5: SUPPORTED IN PRINCIPLE

The Government recognises the need for a debt-bondage offence, and believes that existing legislation addresses this concern.

The Victorian offences of sexual servitude and aggravated sexual servitude are set out in sections 60AB and 60AC of the *Crimes Act 1958*. Both offences include the act of causing another person to provide or continue to provide commercial sexual services by the "use of a manifestly excessive debt". These offences are complemented by the Commonwealth Criminal Code, in which sexual servitude and debt bondage are separate offences.

Recommendation 6

The Committee recommends that intentionally, knowingly or recklessly obtaining sexual services from trafficked women is criminalised in Victoria.

Recommendation 6: SUPPORTED IN PART

The Government takes the view that it is those who organise and profit from sex trafficking who should be the principal target of criminal sanctions. Whether overseas or in Australia, it is those who recruit, deceive, detain or employ trafficking victims who are the primary focus.

As the law currently stands, obtaining the services of a trafficked sex worker can come within an existing offence such as rape or indecent assault, if the client knew of, or was aware of the possibility of, the worker's lack of consent due to force, fear of force or other harm, or unlawful detention. The Government believes the existing law criminalises the behaviour of sex work clients in appropriate circumstances.

To support the policing and prosecution of people traffickers, there is a genuine need to ensure the capacity for gathering intelligence from the clients of sex workers. As the Drugs and Crime Prevention Committee notes (at p. 168), some victims of trafficking are discovered and assisted by their clients. Some State and Federal anti-trafficking communication initiatives (such as signage in brothels, advertising in classifieds and anonymous reporting hotlines) are aimed, in part, at encouraging clients to come forward with suspicions.

Recommendation 7

The Committee recommends that sanctions against brothel owners who have intentionally, knowingly or recklessly allowed trafficked women to work in their premises be introduced in Victoria. Such sanctions will more effectively act as a deterrent to the conduct of servitude and trafficking in the licensed sex industry. In cases where intention or recklessness is proved the owner should be liable to losing his or her permit to run a brothel or other sex service provider business and/or be liable to heavy financial penalties.

Recommendation 7: SUPPORTED IN PRINCIPLE

In Victoria, it is already an offence under section 60AB(4) of the *Crimes Act 1958* for a person to conduct a business that involves the provision of commercial sexual services while knowing or being reckless as to whether the persons providing those services are, in effect, doing so in conditions of sexual servitude. The current maximum penalty is 15 years' imprisonment.

The existing Victorian offence is actually broader than that suggested by the Committee, because it captures not just 'brothel owners' but many other individuals who are associated with the business – including those who take any part in its management, exercise control or direction, or provide finance for the business (see section 60AB(5) of the *Crimes Act 1958*).

In these circumstances, licence cancellation would be automatic. Section 47(1)(b) provides for automatic licence cancellation upon a conviction or guilty finding for an offence listed in Schedule 3 of the Act. That Schedule includes Commonwealth criminal offences related to sexual servitude, slavery, trafficking and debt bondage, as well as a range of offences against the Commonwealth *Migration Act 1958*, such as offences relating to allowing a worker to work illegally and in circumstances of exploitation. Further, under section 47(1)(c) of the *Sex Work Act 1994*, a licence is automatically cancelled if the licensee is convicted or found guilty of an indictable offence punishable by imprisonment of 12 months or more (and sexual servitude is such an offence).

While existing laws clearly punish those involved in operating a brothel with trafficked workers, the Government has committed to changing proceeds of crime laws to strengthen the regime in relation to illegal sex work crimes. The Sex Work and Other Acts Amendment Bill 2011, which was passed by Parliament on 24 November 2011, applies tough automatic forfeiture powers (which apply following a criminal conviction for specified offences without the need for a court order) as well as court-ordered civil forfeiture powers (which apply without the need for criminal charges to be laid or a criminal conviction) in cases involving serious sexual servitude.

Recommendation 8

The Committee recommends that trafficking in persons be regarded as a higher priority policing issue. As such, dedicated officers within the Victoria Police Sexual Offences (Theme Desk) should be given responsibility to liaise with other members of Victoria Police, relevant state and Commonwealth government officials including AFP officers and the proposed Sex Regulation, Policy and Coordination Unit in operational and organisational matters pertaining to sex trafficking.

Recommendation 8: SUPPORTED IN PART

As noted in the Drugs and Crime Prevention Committee's report (at pages 151-152), Victoria Police contributes to national efforts to combat trafficking in a number of ways. These include the sharing of intelligence assessments on trafficking in Victoria with a national Ministerial Council; the observance of protocols regarding provision of first-call response before handover to the Australian Federal Police; and participation in anti-trafficking training conducted by the Australian Federal Police.

The Australian Federal Police is the lead police agency combatting trafficking in Australia. The Federal Police's dedicated Human Trafficking Teams (formerly the Transnational Sexual Exploitation and Trafficking Team) were established to assist the Commonwealth Government to meet the requirements of the United Nations *Protocol to Prevent, Suppress and Punish Trafficking in Persons*, to which Australia is a party.

As the Commonwealth Government's Anti-People Trafficking Interdepartmental Committee stated in its 2010 report, Australia's multi-jurisdictional policing strategy recognises that:

"...where sexual servitude involves people trafficking, the protocol is for the [state or territory] jurisdiction to refer suspected offences and offenders to the Australian Government authorities for investigation." (at p. 34)

Nevertheless, the Government acknowledges that Victoria Police, as the agency most likely to provide the first response in a situation of suspected people trafficking, has an important role in supporting the Federal Police in its efforts.

Importantly, Victoria is party to a Federal, State and Territory policing strategy, the 2011-13 Australian Policing Strategy to Combat Trafficking in Persons. That strategy was developed to provide a framework for the coordination of efforts to prevent, detect, disrupt and prosecute people trafficking activity.

To help achieve more effective implementation of the national policing strategy and liaison with the Australian Federal Police, Victoria Police has nominated the head of the Intelligence Collection and Liaison Unit as a clear and dedicated point of contact on sex trafficking. This is the appropriate person to coordinate the Victorian police's work on sex trafficking, since expertise and intelligence on organised, transnational crime is specialised and not confined to sexual offences.

Recommendation 9

The Committee recommends that with regard to their role in investigating sex trafficking Victoria Police develop clear protocols regarding communication and collaboration with relevant NGOs.

Recommendation 9: SUPPORTED IN PRINCIPLE

Victoria Police has settled a clear channel for communication on sex trafficking so that NGOs and other relevant authorities and organisations can easily and routinely report suspected trafficking cases to police. That channel is the Intelligence Collection and Liaison Unit within Victoria Police.

Recommendation 10

The Committee recommends that Victoria Police have a more flexible right of entry to brothels (legal or illegal) for monitoring purposes, ie. the ability to do spotchecks.

Recommendation 10: SUPPORTED IN PRINCIPLE

The Government notes that existing laws already give police the power to enter legal and illegal brothels. Review of these powers has been undertaken as part of the development of legislation to clarify enforcement roles and make Victoria Police the lead agency for enforcement against illegal sex work. The Sex Work and Other Acts Amendment Bill 2011, which was passed by Parliament on 24 November 2011, proposes to provide police members with specific entry powers where there are reasonable grounds to believe that premises are being used as a brothel without a requisite planning permit.

Recommendation 11

The Committee recommends that licence conditions for sex work service providers include granting access to gazetted or nominated support agencies.

Recommendation 11: SUPPORTED IN PART

The Government acknowledges the important role played by NGOs in trafficking research and community education, as well as in identifying and supporting victims of trafficking. The Government encourages sex work service providers to allow support agencies to visit their premises, and recognises that there are already sex worker support and outreach organisations that are granted access to the majority of licensed brothels in Victoria.

Like other businesses, sex work service providers are required to grant entry to authorised officers of relevant enforcement authorities. These authorities monitor licensees' adherence to a range of laws and regulations, and currently include Victoria Police and Consumer Affairs Victoria, as well as local councils and health and safety authorities such as the Department of Health and Worksafe. The Government believes these to be the appropriate enforcement and support agencies, and will apply as a licence condition the obligation on licensees to grant entry to relevant enforcement agencies exercising a legal right of entry.

EDUCATION, TRAINING AND AWARENESS

Recommendation 12

The Committee recommends that the Victorian Government develop a comprehensive, best practice public education campaign to increase public awareness about sex trafficking; including its nature, extent, causes, myths and consequences. Such a campaign should be coordinated by the Sex Industry Regulation, Policy and Coordination Unit and targeted to a wide range of audiences.

Recommendation 13

The Committee recommends that such a campaign be accompanied by an appropriate dedicated website with suitable educational materials.

Recommendations 12 and 13: SUPPORTED IN PRINCIPLE

The Government agrees that Australians should be made aware that sex trafficking is a crime that continues to occur in Australia. The Government notes that public education campaigns can play an important role in bringing a 'hidden' issue into the public domain.

Family violence reform campaigns, for example, have been effective in starting to change community attitudes and behaviours about violence against women. Evidence from the National Survey on Community Attitudes to Violence against Women (2009) suggests that community attitudes can change and that since 1995 there have been significant and positive shifts in attitudes and beliefs in relation to the problem of violence against women.

However, sex trafficking is a transnational crime that affects multiple Australian jurisdictions. Consequently, the Commonwealth Government takes the primary role in researching, investigating and prosecuting trafficking and providing support to victims. Given this, the Victorian Government believes that any public campaign seeking to raise general awareness about sex trafficking is more appropriately conducted by the Commonwealth Government.

The Government understands that the Commonwealth Attorney-General's Department's Communication Awareness Strategy provides information on trafficking and available services. Those communications have been targeted at those who could best use that information – potential victims, potential sex work clients and support service providers.

The Victorian Government will consider Commonwealth communication strategies, their key messages, audiences and calls to action, and what can be done to ensure relevant State Government agencies are ready to respond.

Recommendation 14

The Committee recommends that the Sex Industry Regulation, Policy and Coordination Unit place advertisements warning prospective customers of sexual services as to the existence of the crime of sex trafficking. Such notices should be placed prominently in the Personal or Adult Services sections of state, territory and local newspapers and any websites advertising sexual service providers, as appropriate.

Recommendation 14: SUPPORTED IN PRINCIPLE

The Government agrees that a simple measure to help detect trafficking and reduce demand for trafficked persons is to warn and educate clients by placing advertisements or signs where clients are most likely to see them.

To that end, the *Sex Work Act 1994* makes it a requirement for brothels to display in prominent places clearly visible and legible signage about sexual servitude. The Act and Regulations require such a sign to be displayed in a conspicuous place in the reception area of the brothel, and each room of the brothel where sex work takes place. The measure is also aimed at protecting workers themselves, by requiring the sign to be translated into Chinese, Korean, Russian and Thai. These translations must be displayed in the reception areas of the brothel and at main exits of the brothel.

The Government notes that since January 2006, the Commonwealth Government has run a targeted Communication Awareness Strategy to raise awareness of sex trafficking, including in relation to potential clients of sex work services. This has included the placement of notices in the personal sections of state and territory newspapers. The Government understands that the Commonwealth Attorney-General's Department has been working to increase the coverage of pro bono advertising in Australia's newspapers.

Recommendation 15

The Committee recommends that training on sex trafficking and its consequences be made an essential and recurring part of the vocational training programs of generalist and specialist groups likely to encounter people who have been trafficked. The Sex Industry, Regulation, Policy and Coordination Unit should coordinate this training. Groups that would particularly benefit from such training include:

- primary health care workers (including general practitioners, practice nurses, community health workers);
- sex industry personnel including sex workers, brothel managers and owners;
- social service workers;
- mental health workers (including psychiatrists, mental health nurses and mental health support workers);
- general police (ie. not from the dedicated unit) and emergency services;
- immigration officials (in conjunction with the Commonwealth); and
- journalists.

Recommendation 15: SUPPORTED IN PRINCIPLE

The Government acknowledges the importance of clear referral pathways for services most likely to come into contact with victims of sex trafficking (particularly sexual assault, police, immigration, cultural support, legal advice, and accommodation services), and notes that individual mainstream services (such as local medical practitioners) may request training and information in order to identify victims and provide appropriate referrals.

Some parallels may be drawn from existing approaches to other areas involving practitioner awareness and attitudinal change. For example, experience taken from the implementation of the Common Risk Assessment Framework (CRAF) suggests that some professionals trained in the CRAF may be in a position to identify, support or refer sex trafficking victims. The Government will consider ways in which professionals may be supported to take on this role, including mapping of existing training and service responses to victims of trafficking in Victoria, including information on pathways and barriers to support.

Recommendation 16

<p>The Committee recommends that police, the City of Melbourne, local councils through the VLGA and/or MAV, health inspectors and Sex Industry Regulation, Policy and Coordination Unit inspectors are given specialised training to recognise sexual slavery, to refer such a matter to appropriate authorities and services, and to respond adequately to victims of trafficking, servitude and debt bondage.</p>

Recommendation 16: SUPPORTED IN PRINCIPLE

The Government notes that some members of Victoria Police have undertaken the Australian Federal Police's specialist training program for investigators, now known as the Human Trafficking Investigation Program.

The Government will consider reviewing other relevant training modules. For example, consideration may be given to including such training as part of the Common Risk Assessment Framework training program funded by the Office of Women's Policy. Consideration may also be given to other training for local governments and relevant health and community services through the prevention of violence against women program in the Office of Women's Policy.

Victoria's contribution to national efforts to reduce crime may also prove a relevant mechanism for improving awareness. For example, the *National Plan to Reduce Violence against Women and Their Children 2010-2022* includes national initiatives to 'provide information about protections for women who experience violence in Australia to newly arrived migrants and refugees,' and the development of 'a national risk assessment framework for the health sector to assist medical professionals identify and better support victims of violence.' The Victorian Government will consider whether the governance mechanisms of the National Plan could be used to advocate for the inclusion of training on issues of sex trafficking in both of these initiatives.

Similarly, as part of Victoria's role in implementing the 2011-13 Australian Policing Strategy to Combat Trafficking in Persons, the Government is also considering ways to ensure that relevant persons are equipped to refer suspicions of trafficking to the authorities.

Recommendation 17

The Committee recommends that appropriate NGOs who support trafficked women be provided with additional resources to continue and extend their involvement in the training of police, municipal officers, sex industry regulators and other relevant persons.

Recommendation 17: SUPPORTED IN PRINCIPLE

The Government acknowledges the work of NGOs in their support of victims of trafficking and community education initiatives, noting that these NGOs are provided with departmental funding on a case-by-case basis. The Government provides grants from time to time, as appropriate funding opportunities arise.

The Government notes that in 2010, the Commonwealth announced \$1.6 million in funding for NGOs engaged in anti-trafficking initiatives. In July 2011, the Commonwealth announced a further \$126,960 in funding for an NGO supporting victims of trafficking to develop and deliver professional training to at least 500 community service workers across Australia.

Recommendation 18

The Committee recommends that members of the magistracy, judiciary and legal profession be given appropriate training on the issue of trafficking where it is reasonable to expect such professionals may become involved with trafficking cases. Such training could be provided by NGOs with relevant experience working in conjunction with representative legal bodies such as the Victorian Judicial College (judges and magistrates), the Victorian Law Institute (solicitors and legal workers), the Victorian Bar Council and/or the Commonwealth Office of Public Prosecutions [Victoria] (Prosecutors).

Recommendation 18: SUPPORTED IN PRINCIPLE

The Government will invite the Judicial College of Victoria to include trafficking issues in its curricula. The Government will also encourage the Office of Public Prosecutions and legal profession bodies such as the Law Institute of Victoria and the Victorian Bar to include trafficking issues as part of their continuing professional development programs.

VICTIM SUPPORT AND SUPPORT SERVICES

Recommendation 19

The Committee recommends NGOs be encouraged and resourced to establish and further develop (in cases where already happening) exit strategies to support trafficked women wanting to leave the sex industry. Such a program would be aimed at providing such women with alternative skills and employment.

Recommendation 20

The Committee recommends that the proposed Sex Industry, Regulation, Policy Coordination Unit encourages and resources the development of exit strategies and programs for women who wish to leave the sex industry, particularly trafficked women.

Recommendation 21

The Committee recommends that the Sex Industry, Regulation, Policy Coordination Unit assesses and monitors these exit programs to ensure best practice models are followed.

Recommendations 19, 20 and 21: SUPPORTED IN PRINCIPLE

Transition support specifically for sex trafficking victims forms part of the Commonwealth Government's Support for Victims of People Trafficking Program.

The Victorian Government is committed to offering appropriate assistance to *any* sex worker wishing to exit the industry and transition to alternative employment or education, regardless of whether the worker is trafficked or not. In 2011, the Government renewed funding for a sex worker exit program known as *Pathways to Exit*.

Pathways to Exit is currently delivered by the Inner South Community Health Service and connects sex workers wishing to leave the industry with a range of services – including mental health support, drug and alcohol rehabilitation, housing, job network and training services and financial counselling – to help them move out of the sex industry. Though the program is not specifically targeted at or limited to trafficked women, there are a number of migrant sex workers among the program's current clients.

This year, some changes to the program increased case management capacity to assist more street workers, explored group or peer case management as an expansion on one-on-one management.

Monitoring, reporting and independent evaluation mechanisms are in place for the current *Pathways to Exit* program, and would generally be required of any Government-funded program to ensure efficiency and best practice in service delivery.

The Government currently makes special provision for victims of human trafficking in Victoria to access Government subsidised vocational education and training places, by providing a one-off grant to enable them to access the Victorian Training Guarantee until 30 June 2012.

Recommendation 22

The Committee recommends that the Victorian Government establish appropriately funded refuges for trafficked women in Victoria.

Recommendation 22: SUPPORTED IN PRINCIPLE

The primary source of support for victims of sex trafficking who need or wish to stay in Australia is the Commonwealth Government's People Trafficking Visa Framework and Support for Victims of People Trafficking Program, which includes accommodation assistance.

The Victorian Government currently provides funding to the anti-trafficking NGO, Project Respect, for emergency accommodation and assistance of trafficked women. The Department of Justice funding is specifically intended for trafficked women who are not currently being supported by the Commonwealth program. However, since 2009, the Commonwealth Government has moved to a more victim-centred approach and made it easier for trafficked women to access support.

Victims of trafficking in Victoria, regardless of whether they have permanent visas, are eligible to access Government-funded transitional housing services, subject to availability and assessable on a case-by-case basis, according to individual need.

Recommendation 23

The Committee recognises that victims of trafficking need comprehensive assistance and support. Therefore the Committee recommends that relevant NGOs working with trafficked women be further resourced to provide appropriate services to trafficked women including but not restricted to:

- free legal assistance to be able to assist trafficking victims in acknowledgement of the complexity and seriousness of legal issues that a trafficking victim faces;
- counselling;
- safe and appropriate accommodation;
- medical, psychological and allied health assistance;
- material support;
- education and training opportunities; and
- outreach services, including those of a culturally appropriate nature.

Such assistance should take into consideration where appropriate the victim's age, gender, educational level, English language proficiency and any special needs.

Recommendation 23: SUPPORTED IN PRINCIPLE

The Government recognises the need for victim support services, and as noted above at Recommendation 22, already provides some funding to NGOs for trafficked women. This program is being evaluated in light of the increased support that is provided by the Commonwealth Government for anti-trafficking initiatives.

The Victorian Government will further consider ways to strengthen the general service response that would be both cost effective and maximise expertise. This may include using the substantial existing service networks responding to sexual assault and family violence, to better support victims of trafficking. This could be done through existing mechanisms such as the Sex Work IDC and sexual assault and family violence system reform governance structures.

The Government also notes that a comprehensive welfare package for trafficking victims, including accommodation and referral to support services, is already delivered by an NGO, with Commonwealth Government funding. In November 2010, the Commonwealth Government announced a further \$1.6 million in funding for anti-trafficking initiatives.

Recommendation 24

The Committee recommends that any person found to have been a victim of trafficking in Australia be eligible for crimes compensation under the relevant state compensation scheme.
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Recommendation 24: SUPPORTED IN PRINCIPLE

There are two forms of compensation potentially available to victims of crime in this state: compensation awarded by the Victims of Crime Assistance Tribunal (VOCAT) under the *Victims of Crime Assistance Act 1996* and court-ordered compensation under the *Sentencing Act 1991*.

VOCAT compensation is available where, on the balance of probabilities, VOCAT is satisfied a violent act has occurred. In contrast, court-ordered compensation is made following a conviction, either at the time of sentencing, or soon afterwards.

While victims of sex trafficking are not necessarily excluded from the application of either scheme, each scheme has its requirements for eligibility and respective limits on amount and type of compensation. Whether a trafficking victim is eligible will depend on the circumstances in each case.

There may be some instances where eligibility is not clear. The Government is considering matters such as these as part of its ongoing review of both compensation schemes.

Consideration may also be given to whether a Commonwealth victims compensation scheme may be established to compensate victims for these Commonwealth offences. This question may be considered through the Standing Council on Law and Justice.

RESEARCH

Recommendation 25

The Committee recommends that a Research Advisory Panel on sex trafficking issues be established within the proposed Sex Industry Regulation, Policy and Coordination Unit. Such a panel should include relevant experts in the area from academic, government and community sectors.

Recommendation 26

The Committee recommends that a research agenda and program be established to address sex trafficking into Victoria. This should be coordinated by the Sex Trafficking Policy and Coordination Unit and include input from the Research Advisory Panel as outlined in Recommendation 24. The research agenda should prioritise the research issues that have been identified in the practice and academic literature and also reflected in the expert opinion of those who gave evidence to this Inquiry. These include:

- the development of an independent, empirical evidence base to measure the extent of trafficking in Australia;
- community attitudes in Australia to trafficking in persons;
- trafficking in children;
- examination of the physical and mental health outcomes to determine the effects of the experience on victims and best practice responses;
- examination of the reasons for which some victims of trafficking decline assistance to determine the precise needs of victims in these situations;
- examination of the national precursors to becoming a source country for trafficking in persons, with a focus on the Pacific region;
- trafficking for the purposes of marriage and sexual servitude;
- the extent and circumstances of trafficking in women for sexual exploitation to and within Australia, and on women's experiences of trafficking; and
- evaluation of programs and policies developed to address (sex) trafficking.

Recommendations 25 and 26: SUPPORTED IN PRINCIPLE

The Government agrees that a solid research base on people trafficking is desirable, but notes the challenges in achieving it – including the clandestine nature of the crime, the lack of comprehensive and verifiable data, the absence of a uniform definition or set of circumstances, and the diverse approaches of those working in the field. It is also important to note that sex work is just one aspect of a broader international issue of people trafficking for various purposes. In this context, the Government believes that a broad, national program would more effectively meet research needs.

The Government notes that in 2007, the Commonwealth Government funded the Australian Institute of Criminology to conduct a four-year research program on people trafficking. The aim of that program is to contribute to the effectiveness of the Australian and international response,

and a monitoring report on trafficking of persons relevant to Australian and the region is scheduled for release in late 2011. The Victorian Government offers the support of Victorian Government agencies to provide data or information, where possible, to support national research efforts.

Recommendation 27

The Committee recommends that the Drugs and Crime Prevention Committee of the 57th Parliament of Victoria undertake an Inquiry into Human Trafficking for reasons other than sexual servitude.

Recommendation 27: UNDER REVIEW

The Government recognises that sexual servitude is just one form of exploitation for which people are trafficked into Australia. In recent times, the focus of trafficking investigation and research has broadened to encompass trafficking for reasons other than sexual servitude, including trafficking for forced labour and servile marriage.

The Government will further consider this recommendation.

COMMONWEALTH RESPONSIBILITIES

The Committee also made three recommendations to the Commonwealth Government. These related to the use of victim impact statements; dissemination of information on sex trafficking at disembarkation points such as airports and sea ports; and awareness-raising in the source countries for trafficking.

The Victorian Government notes that in the second annual report of the Anti People Trafficking Interdepartmental Committee, *Trafficking in Persons, The Australian Government Response 1 May 2009 – 30 June 2010* (at p. 51), the Commonwealth Government committed to considering the three recommendations.

The Government anticipates that it will be updated on the Commonwealth Government's progress on sex trafficking through national fora such as the 2011-13 Australian Policing Strategy to Combat Trafficking in Persons and the *National Plan to Reduce Violence Against Women and Their Children 2010-2022*.

