



COMMONWEALTH OF AUSTRALIA

# Official Committee Hansard

JOINT COMMITTEE ON THE AUSTRALIAN CRIME  
COMMISSION

**Reference: Trafficking in women for sexual servitude**

TUESDAY, 18 NOVEMBER 2003

MELBOURNE

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## **JOINT COMMITTEE ON THE AUSTRALIAN CRIME COMMISSION**

**Tuesday, 18 November 2003**

**Members:** Mr Baird (*Chair*), Mr Sercombe (*Deputy Chair*), Senators Denman, Ferris, Greig, Hutchins and McGauran and Mr Dutton, Mr Kerr and Mr Cameron Thompson

**Senators and members in attendance:** Senators Denman, Greig and McGauran and Mr Baird, Mr Dutton, Mr Kerr and Mr Sercombe

### **Terms of reference for the inquiry:**

To inquire into and report on:

The Australian Crime Commission's response to the emerging trend of trafficking in women for sexual servitude with particular reference to:

1. the Australian Crime Commission's work in establishing the extent of people trafficking in Australia for the purposes of sexual servitude;
2. the Australian Crime Commission's relationship with the relevant State and other Commonwealth agencies; and
3. the adequacy of the current legislative framework.

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**Committee met at 10.13 a.m.**

**BARBER, Mayor Greg , Mayor, City of Yarra**

**WOLFE, Mr Ken, Team Leader, Community Amenity, City of Yarra**

**CHAIR**—Good morning. I call the committee to order and declare open this public meeting of the Parliamentary Joint Committee on the Australian Crime Commission. The committee is examining the Australian Crime Commission's response to the emerging trend of trafficking in women for sexual servitude, with particular reference to, firstly, the Australian Crime Commission's work in establishing the extent of people-trafficking for the purposes of sexual servitude in Australia and, secondly, the ACC's relationship with the relevant state and other Commonwealth agencies and the adequacy of the current legislative framework. The committee, when it reports, wishes to be able to provide a picture of the extent of the problem of sexual servitude in Australia and consider how the newly established Australian Crime Commission has responded in both the Commonwealth and state arenas.

The committee would also like to indicate whether the current legislative framework is appropriate to the emerging issues. I welcome Mayor Greg Barber and Mr Ken Wolfe. The committee prefers all evidence to be given in public, but should you at any time wish to go in camera please let us know and we can then decide as a committee. I invite you to make some opening remarks about the committee's inquiry into the ACC's response to trafficking women for sexual servitude. At the conclusion of your remarks, I will invite members of the committee to submit questions to you. I also congratulate you on the quality of the submission that we received, which was very thoughtful and very helpful. I appreciate the work you put into it. Mayor Barber, would you like to make an opening statement?

**Mayor Barber**—Ken is going to speak to the submission, if need be. He is the man involved in day-to-day enforcement. I was very keen for us to make this submission. I think we have the largest number of legal brothels in Victoria, for a municipality. We have also had a big problem with illegal brothels. They are becoming a big part of our work, and we are just a council. I am keen to have that underlined. I am happy to back up Ken a little more from the policy point of view and to give our general feel for the situation.

**CHAIR**—That is good. I appreciate that you took the time to make the submission. Your certainly bring to the committee's report a wealth of experience with legal and illegal brothels in the area. Yours is the first submission to this inquiry that we have received, so we look forward with interest to your evidence. Mr Wolfe, would you like to proceed.

**Mr Wolfe**—Thank you. Linking local government and prostitution is a long bow to draw. The usual view is that if local government is digging a hole there is one person digging and five watching. So linking local government and prostitution is a long bow to draw, especially when you start talking about the trafficking of women and sexual servitude—but it is an absolute fact. The City of Yarra includes Richmond, Brunswick and Fitzroy. It is inner suburban, has plenty of public transport and, regarding the renting of houses, there is a lot of it and you can use it.

In relation to prostitution, legal brothels do not exist without planning permits. The planning permits are issued by local government, the conditions are set by local government and local

government enforces the planning permits. So a legal brothel does not exist without a planning permit, and that is enforced by officers of the council. Illegal brothels exist everywhere, but we have had a major problem with them. In fact, in the last 12 months we have closed 23. We have 16 legal brothels in our municipality, which is one-third of the state's brothels. As a local government, we enforce the permit conditions for the legal brothels. In relation to the illegal brothels, they operate without permits, and we enforce the planning scheme in the Planning and Environment Act and the provisions in the Prostitution Control Act.

We have a major role to play. We are at the coalface, if you like. The Australian Federal Police have been given \$20 million to set up a protocol in relation to the trafficking of women. I personally have been in at least 32 illegal brothels and all our legal brothels at least twice in the last 16 months. I know how they operate; I know who is in there. I know what they are doing. I prosecute the illegal brothels where I can. Where I cannot, it is usually the case that when they are detected they are gone. But we are at the coalface. We are the eyes and ears of the Victoria Police, the Federal Police and Immigration, but we need the protocols in place so that they can be passed on. That is one of the things we are lacking.

We have been in all these illegal brothels. I speak to federal and state policemen and they are aware of it and they ask me, 'What do you find?' I find women in there on protection visas. I find women in there whose bona fides cannot be verified. I find women in there whose bona fides can be verified but who are obviously in there because of some form of intimidation. Whether it is because they are repaying debts or because of a relationship they are in, I have no idea. I have no power to find out. When I do enter one of these places and there is some sort of suspicion, then I can go back two days later and find that it is completely gone, as if it were never there. It has only moved somewhere else.

As a local government—and we have been very proactive in this area and perhaps that is why we are here before you today—we see the gap and the problem. Are we going to be the body that is at the coalface and in these places and in the faces of these people who are allegedly trafficking or who are trafficking? If there is sexual servitude, for whatever reason—and I think that has to be clear—it is not only trafficked women who are in sexual servitude in some of these places. Under Victorian state laws, the women who work in legal brothels do not have to be licensed, yet the operators do. When I walk into a legal brothel, I have no power to demand the name and address of anybody working there and no power to find out those things.

As we have said in our submission, Asian women—usually Chinese—are in our illegal brothels. It is very hard for us to communicate with them. There is always a minder, and the minder will invariably answer all our questions. There is a clear reason for that: the women are intimidated by it and they do not want to be involved. Generally, the next day, the women have gone. However, that is not always the case. Some of the women are in partnerships and some of them are there of their own accord. I can verify those ones. But what can I do about the ones that I cannot verify—the ones that I do have a suspicion about and feel the need to do something about but cannot? I hope that, from this committee and our submission, something filters down to the state level in relation to the legislation that we work under.

Again, is it appropriate for local government to be doing this type of work, which is quasi-criminal investigation? For the last 12 months or two years, the Victorian police, when they disbanded the vice squad, have seen this as a planning matter, and that is why the load has really



come down on top of us now. Our council has been very proactive by providing a budget to deal with it. I hope that it will filter down to a state level where, if we are the people who are going to deal with it, we have protocols set up with the Australian Federal Police, the department of immigration and the tax office and even with non-government organisations such as the Prostitution Collective and Project Respect. When we suspect somebody, we need to have the ability, there and then, to contact somebody and get some action, whether that is at the state level or the Commonwealth level.

As I said, the point that I really want to put across is that, even when people read a local government submission on prostitution or on the trafficking of women, the actual fact is that we are at the coalface. We are there before the police and before anybody else. We visit these places two to three times more than any police force. We have learnt that not all local councils are as proactive as us, and that very well may be another problem. Our submission and our recommendations are fairly clear in relation to the trafficking of women and the fairness in relation to the treatment of trafficking of women. We know that it goes on; we have seen it first hand. There is a problem and, if we can be a part of resolving that problem, so be it.

**CHAIR**—Mayor Barber, would you like to add anything further or shall we proceed to questions?

**Mayor Barber**—I think of it from a political point of view as well as from a technical enforcement point of view. I am not a lawyer or anything like that, but it just seems to me that we have this huge role where we are regularly visiting brothels and have powers to virtually—Ken, can correct me if I am wrong—just front up and say, ‘Hi, we want to look around.’ I would presume that, if the AFP wanted to do the same thing, there would be warrants, processes, investigations, phone taps and guys sitting in cars. There seems to be a major disjunction between us—we have all the access but no real capacity to deal with the problem—and the people who now have legislative and other mandates to police brothels but who cannot be in every brothel, legal and illegal, in Australia twice a year to keep an eye on the problem. Not that we want to take on those powers, not that we want to get involved; we would just like to be able to phone a help line and have the whole thing dealt with.

**CHAIR**—Thank you both very much, not only for your submission but for what you have provided today. As you are the first organisation providing evidence to this committee, it is probably helpful that we start to expand some of the parameters. In Sydney, where we formed a subcommittee, two of us met with a brothel owner and we were provided with some advice, but the rest of the committee has not been involved. So it might be useful if you could expand on this a bit. How many women working in your area would you guess have been brought down here and exploited as part of this trafficking arrangement?

**Mayor Barber**—The first thing we can say—and I presume that I can talk about this here—is that the first set of charges ever laid under the new federal legislation were for a brothel in Brunswick Street in the City of Yarra. It was a legal brothel and it was a shopfront right in the middle of Melbourne’s trendiest entertainment and coffee drinking precinct. It was a shopfront, with blinds across the front, at 417 Brunswick Street. It was literally right there in a visible location, yet that turned out to be the place where the AFP first acted.

**CHAIR**—How many were at that location?

**Mayor Barber**—I presume that we can talk about it even though it is sub judice. I will just repeat what was in the newspaper.

**CHAIR**—Let us be sure before we go any further.

**Mayor Barber**—I will not say anything then, but you can certainly make your own investigations.

**CHAIR**—You can say what is in the newspaper.

**Mayor Barber**—It was said that there were six women of Thai descent and that it was a matter of record that there were raids on a house in North Fitzroy, nearby. Also, that brothel has since been to VCAT and the state planning tribunal, and I believe that something was done to its licence.

**Mr Wolfe**—The operator had their licence to operate a brothel removed. The operator was one of the people charged. That brothel has, in fact, opened up again. It operates under a planning permit that goes with the land, and a new operator has come in.

**CHAIR**—Mr Wolfe, from your interface, I recognise the problem. You said that you usually have operatives that speak on behalf of the girls. The experience Senator Hutchins and I had was that they spoke very little and the operator spoke on behalf of them. Were you able to find out how they were brought down here—under what circumstances and conditions?

**Mr Wolfe**—As I say, I have been looking at this for probably the last two years, since the disbanding of the vice squad. I know there are immigration lawyers that specialise in this type of thing. I think you have to draw a line between difference types of trafficking. Some of the women know exactly what they are coming out for and others do not know. When I first started, there was a brothel in Yarra that was raided on a number of occasions, and it was found that there were women working in there who had basically been abducted under false pretences from Asian countries and brought here.

**CHAIR**—Were they abducted, or was it suggested that they were going to do other kinds of work?

**Mr Wolfe**—They were duped into thinking that they would be doing something else. That brothel was run by Asians. The clientele could only be Asians. I could knock on the door and seek a service, but they would turn me away. These are the sorts of suspicious things that we confront. We need the opportunity to be able to lift that further, because that had been going on for some time before anything was done about it. In relation to the 23 illegal brothels that we have closed in the last 16 months, there would be in the vicinity of a dozen women who either could not explain their bona fides—they would just tell me they were over here on holiday—or that could only provide a protection visa. Generally that is what they do. I get information from someone in the industry, and that is why we are so good at what we do—closing them down.

They come over here on a holiday visa; sometimes they are sponsored over here. As soon as they are here they apply for a protection visa because they know that will give them 12 months. If they are over here for a three-month holiday, a protection visa is going to give them 12

months, so they will be able to work for that 12 months. Whether or not they go back home after those 12 months does not matter; they have already been here for 12 months and they have earned that equivalent amount of money. That is a plan that they run out and it is usually in partnership. It might be that for the first three months or six months the girl works for nothing—she is clothed, fed and housed—and all the money that she earns in the first six months goes to the sponsors, if you like, and then she can begin to earn money.

**CHAIR**—Those are the same experiences that were outlined to us in Sydney: coming out on a visitor visa and then moving on to a protection visa. How many have you encountered on the protection visa?

**Mr Wolfe**—The last one was only a fortnight ago. When I talk about the suspicion, I talk about how quickly they operate. We entered the premises, I ascertained who was there, the protection visa was produced and within 15 minutes that person was gone. I could not hold them or anything; I had no opportunity. In relation to protection visas, in the last 16 months I would have seen four.

**Mr KERR**—Does this suggest to you that there is some kind of internal malpractice happening within Immigration? I am certainly aware that it is damn hard to get people. There are what are called 'high-risk countries'. I have had friends—very respectable members of my community—who have wanted to bring over as visitors relatives or people that they have met, and they have found it very difficult, particularly if they are from one of the high-risk countries. So if it is a regular practice that people are coming out on visitor visas—presumably with multiple sponsors—something stinks, on the face of it, particularly when there is a pattern that some of these people are getting protection visas in circumstances which flow on from the initial grant. You would think that the system would be picking this up—particularly a system that operates so assertively with respect to denying claims for protection visas for others.

**Mr Wolfe**—The inference I got was that it is not too hard. Once they were here, they would immediately apply for and get the protection visa. I hear what you are saying, but I have no evidence of that, other than the information that it is not that difficult to do. I took the inference to mean that it was not a difficult thing to do if you made some case.

**CHAIR**—Are you seeing them coming mainly from Thailand or are you seeing people from other countries as well?

**Mr Wolfe**—No, I am not seeing people from Thailand—in fact, in my whole operation I have seen probably eight Thai women. I am finding Chinese.

**CHAIR**—From mainland China?

**Mr Wolfe**—That is what I am finding.

**Mr SERCOMBE**—When you enter a brothel, you are obviously exercising town planning powers. Has there been any challenge to your right to request to sight a visa? I am not sure how that fits into your exercising a town planning power.

**Mr Wolfe**—No, I have right. The only right I have is in relation to the operator and the owner of the brothel. When I suspect an illegal brothel, I have the power under section 78 of the Prostitution Control Act to just bowl in.

**Mr SERCOMBE**—But you do not have the power to then require someone to produce evidence of their identity?

**Mr Wolfe**—I do—from the operator.

**Mr SERCOMBE**—Yes, but not from the women?

**Mr Wolfe**—No.

**Mr SERCOMBE**—So when you obtain access to evidence of their protection visas or whatever, that is simply by their consent?

**Mr Wolfe**—That is right—they offer that to me. I ask them who they are and I need something to prove who they are. Some do tell me to go jump in the lake. When they are confronted with authority there is a complete change in their demeanour: they become very defensive and very scared. That is the thing that immediately sets the alarm bells ringing: there should be somebody else.

**Mr KERR**—That was one of the things that struck me in your submission, and it was perhaps a weak point, if I may say that. You point to the AFP taking a greater role, but a number of other submissions make the point that women in these circumstances are fearful and distrustful of authority. They often come from countries where the authorities are in on the scam and they believe that if they speak out of turn they will suffer, so it takes quite a long time for trust to be gained, and it needs to be gained in a non-authoritarian environment. So, if you are going to deal with this institutionally, while of course there is a role for you and the police, there is also a very important missing element, which is dealing with the initial period of distress for these people, taking them out of that circumstance and providing a framework where they gain the confidence to speak out against people who have been misusing them.

**Mr Wolfe**—Absolutely.

**Mayor Barber**—The way things are now is certainly no good. That is the only point we are really trying to make. We are certainly not seeking any extra powers, but you can see the opportunities that would be available if we, entering from that point of view, also had the AFP and Immigration there, with their responsibilities and their powers, at the exact same moment—all of us together.

**Mr KERR**—What I am saying is that there might need to be a third presence.

**Mayor Barber**—Absolutely, and that would be a question for them: how they are going to deal with their role for it to be effective. I also believe there will be a role for the whole range of responses, which are detailed in the international protocol—not just to basically have legal powers to crack down on the crime but also to start offering visas to allow them to stay in the country, as well as educational opportunities, work opportunities and translators.

**CHAIR**—If they were from China or Thailand, do you think that would be appropriate? I could understand it if they were from Iraq, Afghanistan or wherever.

**Mayor Barber**—That is literally stepping outside our own strict roles—local government having a general opinion like anybody else on the street.

**CHAIR**—I understand. We do not want to prevent that. But do you think there is a need perhaps for a women's refuge to be set up so that they can escape there and get some support? It seemed from the discussions we had in Sydney that they were terrified, did not know where to go at all and were concerned about authority.

**Mayor Barber**—The other part of that protocol is a national education campaign, which would be not just for us as a community but also for people who end up in that situation. Project Respect, whom we have sponsored for two years now, do two things: the first is advocating at the political level on this issue; the second is doing direct work in the brothels. They turn up there and offer a whole range of resources to workers, including to Australian women in the sex industry. They give them those same opportunities. But again—I am not a lawyer or anything; I have not researched it—it seems to me that there are two parts to the crime here. The first part is the international trafficking, which you are looking at from an immigration point of view, but then the second part is the element of coercion—

**CHAIR**—That is true.

**Mayor Barber**—which could just as easily apply to an Australian woman who has got into that situation. It should not really matter whether they have been brought in from another country, although no doubt that makes them much more vulnerable. But if you are going to start treating the coercion as the crime you will no doubt be brushing up against some of the practices of even the legal Australian brothel industry and totally leaving out the immigration question.

**CHAIR**—There have been some suggestions of that in Sydney—women being coerced by husbands or partners. Thank you.

**Mr DUTTON**—Mr Wolfe, my questions are about process. You go to these brothels: how do you find out that they are operating? And, when you turn up, do you find a pattern in the operators or any links between them—do you see the same faces or the same names operating different brothels, or are people operating in isolation? Just tell me a bit about your experience there.

**Mr Wolfe**—In the illegal brothel industry?

**Mr DUTTON**—Yes.

**Mr Wolfe**—In the illegal brothel industry we usually find out by complaint or we just look in the newspaper. We look in the massage section of the newspaper, we see addresses in our area and we proactively investigate them. There are usually a couple of ways we attend. If there is no planning permit we can go in and, without proving any sexual service, say, 'You need a planning permit for this. You close, and you close now, or you will get a \$1,000 fine,' or it could be \$500

or whatever it is that we are able to give for that particular thing. It is either \$1,000 or \$500, depending on the circumstances. I will not bore you with those details.

Then we can find out who the operator is. The operator and the owner are two different people: that is always the case. We do come across the same operators in different premises; they often move around. My information from other municipalities is that an owner might have four 'shops', which is what they call them. An owner might have four different operators, and the operators will travel between those four different premises, as will the girls. This owner, who sits up above them, may be in partnership with an owner in another municipality who has another four shops, so they are not dealing with the same person every day. Every two days they might swap the girls. They might swap the operators. There is never a status quo. We are not watching the same person all the time and we are not dealing with the same girls all the time, even though we do in different premises.

Very rarely will you find a very close-knit operation, where it is just a woman in a relationship with a man or whatever and they are the only two who work there. That is very rare. There are usually multiple shops and multiple operators, but generally there are very few owners, because they put up the original amount of money and they are the ones that wear the loss. When they are detected and they bolt, they lose their rent, they lose their bond and they often lose the furniture that they have left in there when they leave.

**Mr DUTTON**—What happens with that information—the owners' or the operators' details, or indeed the details of the girls who might volunteer their identities—once you collect it? Do you pass that information on to the state police vice squad? How is it brought together across the municipalities?

**Mr Wolfe**—The vice squad was disbanded in 2000. Our relationship with the Victoria Police vice squad prior to that was excellent.

**Mr DUTTON**—Why was it disbanded?

**Mr Wolfe**—There was a restructure of the Victoria Police. They moved legal brothels to the organised crime squad when they made new squads. Illegal brothels went to tactical response and basically got lost somewhere. All of a sudden it became a planning matter, according to the police. It became a town planning matter because these things operated without planning permits. The police said, 'It is a local council matter. Don't worry about the criminal element of it; just take it on face value that they are operating without planning permits. Close them down.' That was what we were doing, but they just pop up all over the place.

The only information sharing that we have now is with other local government bodies. Because I am a former officer of the Victoria Police, I have a very good relationship with our local members and with members of some of the squads, with whom I still share information. There is also the question of whether drugs are going through these places and if it is a little bit more serious than just illegal sexual services. An illegal brothel does not offer the same services as a legal brothel. The services are usually masturbation and oral sex—very few do full penetrative sex—but the prices are much lower, and that is why they are so well frequented.

**CHAIR**—Some suggested in Sydney that it was the reverse: the illegal brothels were providing a greater range of services, which is part of the reason why they are illegal, and safe sex was not necessarily practised in these places. But that is not your experience?

**Mr Wolfe**—No, it is not my experience at all. When we go to an illegal brothel, we ascertain that sexual services are taking place. Under section 78, I have the power to go in the front door and conduct searches, and very rarely do I not find condoms. When interviewing the girls at the stage where they throw up their hands and say, ‘Well, I’ve got to go,’ they will tell us that masturbation and oral sex are the only things that they will perform, plus when we send investigators in they are the only things that are performed on them. We often send our investigators in to see if they can get a full service—and they cannot; they will not be provided with it. When you drill down or delve into that, it is usually because the woman that is working there is married with children. She is there for a reason. She does not want to be there, and that is as far as she will go.

**Mayor Barber**—There are two other initiatives that we have taken that maybe other agencies could pick up on, and Ken has just started talking about them. Firstly, we have two local newspapers and one of them—the one that is part of the Murdoch group; it is the local paper across the whole eastern suburbs—has agreed not to carry ads without first checking the bona fides. I believe that a legal brothel has a PCA number which has to be on its ad. The other ones advertising massage and so forth are, as Ken said, often where we are detecting that there are activities like that going on. So the newspaper has agreed to check first with us for the bona fides—it might be a planning permit or whatever—before it will allow them to advertise.

**CHAIR**—Are you finding that some of the girls who are brought in under this contract basis are more in illegal or legal brothels or both?

**Mr Wolfe**—I have no doubt that they are in both.

**Mayor Barber**—I come to the second initiative that we have taken. Once we proscribe a premises, that premises has a big sign across the front of it and it can be locked up for six months. By talking to the real estate agents who are between the person who is making use of the premises and the owner of the premises—and the owner of the premises does not want to rent out an old house and then find there is a brothel in there and have the whole thing shut down for six months—we are making them aware of the sorts of potential problems, and then they can also keep an eye on what is going on.

**CHAIR**—Is your approach working?

**Mr Wolfe**—Yes. In relation to the newspapers, the advertising was prolific in the year 2000. That protocol works excellently now. They will not advertise massage therapy without sighting a planning permit or a letter of authorisation signed by me. I brought the estate agents into the town hall and informed them of the vicarious responsibility they may have and that they may be liable for \$1,000 worth of fines if we find illegal sexual service activity going on at the premises they have rented out.

**CHAIR**—That certainly focused their minds.

**Mr Wolfe**—Yes, it did. It works well. When I started with the City of Yarra in 1998, there were probably 27. Right now I believe that we do not have any. However, there are a couple of suspect premises that still need to be checked.

**CHAIR**—What percentage of all of the brothels would be Asian?

**Mr Wolfe**—Ninety-nine per cent would be Asian.

**Mr SERCOMBE**—Obviously, the City of Yarra is very active in this area. What observations about and comparisons with other municipalities across Victoria can you make?

**Mr Wolfe**—Unfortunately, some municipalities go the reverse way: they see it not as a town-planning matter but as a criminal matter and do nothing about it, and illegal brothels flourish. Some municipalities have no legal brothels in them at all, so it is not a concern to them. Other municipalities, after due bantering, will investigate illegal brothels and work them out. Others are very similar to us; they are proactive in doing it.

**Mayor Barber**—It has also cost us a lot of money—hiring investigators, running legal actions and trying to get costs back.

**Mr KERR**—It must cost you a lot of money, and one of the things that does seem to be the case is that, if you are shutting them down, it can be effective, but if it is simply pushing them into other areas where there is no scrutiny then—

**Mr Wolfe**—And that is exactly what has happened.

**Mr KERR**—I suppose the other point is that until recently there was very little action taken by staff from DIMIA to follow these matters up. Are there instances you are aware of where you believe there has been inside information passed on to some of these brothels to facilitate people leaving premises and the like before raids?

**Mr Wolfe**—No, I cannot get any evidence in relation to that. But I know that the word ‘immigration’ puts more fear into these people than any other words I could use.

**Senator DENMAN**—So you have had no contact with Department of Immigration and Multicultural and Indigenous Affairs yourself, is that right?

**Mr Wolfe**—No, I have not.

**Senator DENMAN**—I have got information similar to Duncan’s that maybe that is where one of the problems is.

**Mr Wolfe**—I have tried; I have asked them on a couple of occasions to come with me under those section 78 raids that we do. I have had the same trouble with the tax office. The response I have received is really poor.

**Mr KERR**—What response have you received?



**Mr Wolfe**—I have spoken to people on the phone. First of all, I speak to one person and then another person. I am put on hold and then I speak to another person. I tell them what I am going to do and they say, ‘Oh, no’. I get the inference that this is a case of small fish and they are not really interested. There have been a couple of occasions where I think they would have been very interested.

**Mr KERR**—They should have been very interested.

**Mr Wolfe**—Yes, they should have been very interested.

**Mr KERR**—Have you made attempts at a senior level to put in place a protocol with DIMIA?

**Mr Wolfe**—No, I have to admit that I have not. I have only spoken to those at officer-in-charge level, my level and above; I have not gone any higher than that. I then started to doubt myself. I thought, ‘Maybe we are only small fish’.

**CHAIR**—It does not sound like it in terms of the number of brothels.

**Mr Wolfe**—No, and we are not. We are very proactive and we are very keen, perhaps that is one of the reasons why we are before you this morning.

**Mr KERR**—There is always a risk that saying these things in public will be unduly damaging to individuals so I do not wish you to answer this on the record but I would appreciate it if you would consider providing us in confidence in writing at a later stage a list of the contacts you have made—and the persons and the levels you have made them at. Obviously one thing I think we should be looking at is whether we need to change the institutional responses. We might want to talk to some of those people about why they did not follow up those requests.

**Mr Wolfe**—I can certainly do that.

**Mr KERR**—My colleagues might have a different view, but I do not think it would be of use to have their names put on the record here.

**Mr SERCOMBE**—Mr Wolfe, you indicated that, because of your own background, you liaise informally with Victoria Police. Do you pass information to the AFP?

**Mr Wolfe**—No.

**Mr SERCOMBE**—Is that because you have not felt a need or because of the same sorts of problems you encountered with Department of Immigration and Multicultural and Indigenous Affairs?

**Mr Wolfe**—I think I was only looking at the state level. In hindsight, perhaps with that immigration issue I should have escalated that to the federal police and said, ‘I’m very suspicious about these people that are working here.’ I have only escalated it to the Victoria Police; I have not escalated it to the federal police.

**Mr SERCOMBE**—The terms of reference for the committee are, as you know, about the sexual servitude of women, so I guess this question is a bit outside that, but, in terms of the operations you have come across within the City of Yarra, have you come across male prostitution in illegal or legal brothels or prostitution involving under-age children?

**Mr Wolfe**—Back in 1999 we were involved in an operation in relation to children in a brothel in Rose Street, and certain people were charged and jailed in relation to that. We recently received information in relation to an illegal brothel that had been open for three months. There was no advertising, and it must have had a select clientele. The allegation was that secondary school people were being used there. That was investigated last week, and it closed down and moved, but we now believe we know where it moved to, and the Victoria Police are dealing with that. I have come across male prostitution in legal brothels, but some of the old planning permits stipulated female prostitution only. So 99 per cent of the brothels are female prostitution, but—

**Mr SERCOMBE**—Is there a crossover in either of those instances—male prostitution or children—with trafficking?

**Mr Wolfe**—No. There was no question of trafficking. There is the question of drugs.

**Senator DENMAN**—You spoke of ownership of brothels. Have you found that any of the brothels run in this country are owned by people overseas?

**Mr Wolfe**—Buildings are owned by people overseas, but the owner of a legal brothel must have a BLA licence, therefore they must be a resident. But buildings have been owned by people overseas.

**Senator DENMAN**—So some of the profits are probably going overseas anyway.

**Mr Wolfe**—Yes. But to clarify that, there is talk—and this is the brothel I mentioned earlier—that some gangs are involved in the ownership of some of these legal brothels. It is a legal avenue for them. They get somebody licensed and operating. I know there was one in Yarra, but that has since changed hands.

**Senator McGAURAN**—In the City of Yarra have you closed any legal brothels, and have any legal brothels been closed on the grounds of sexual servitude?

**Mr Wolfe**—No and no. In relation to the Brunswick Street address that Mayor Barber was talking about, where the first lot of charges were raised, the planning permit goes with the land. For us to remove the planning permit is a very expensive and lengthy exercise, and we would have to seriously think about going down that path, when a new operator who was squeaky clean could come in and run it perfectly. It was just that bad egg that got in there.

**CHAIR**—I thank you both for your input. I personally have found it very useful. I am sure the committee did as well. We may come back to you for further information in terms of your in-depth knowledge of the area. Your information as the first witness was very useful. Thank you for putting together the submission. It was very useful. We hope we can come up with some worthwhile recommendations.

[10.59 a.m.]

**FARMER, Ms Margaret, (Private capacity)**

**CHAIR**—I call to order the Joint Statutory Committee on the Australian Crime Commission. The committee is examining the Australian Crime Commission's response to the emerging trend in trafficking in women for sexual servitude, with particular reference to the ACC's work in establishing the extent of people-trafficking in Australia for the purpose of sexual servitude; secondly, the ACC's relationship with the relevant state and other Commonwealth agencies; and thirdly, the adequacy of the current legislative framework.

I welcome Ms Margaret Farmer today to our inquiry. You would probably be aware that we prefer all evidence to be given in public but should you at any stage wish to go in camera I will refer the matter to my colleagues and we can go into camera if you wish. I invite you to make some opening comments and then we will proceed to questions.

**Ms Farmer**—I speak from a human rights perspective, one where the welfare of the trafficked women is paramount. This is also the underlying philosophy of the British counter trafficking consultant Paul Holmes, who I heard at the recent 'Stop the Traffic II' conference in Melbourne last month. He elucidated the two principles on which the London approach is based: firstly, to protect the vulnerable and secondly, the humanitarian welfare human centred approach, which has proved to be pragmatic as a successful law enforcement strategy.

Thank you for giving me the opportunity to amend my original submission, which was made before my attendance at the trafficking conference. I have amended it, elaborating further on two original points and adding five more. I would like to read out point 2, which I have further elaborated on. This is with regard to special visas being made available for these women to enable them to testify against the traffickers. Temporary visas may not be adequate because, in the view of British counter trafficking consultant Paul Holmes, there is a risk of murder or other reprisals towards them or their families. He maintains that we are breaching the victim's human rights if we deport them. He said that once a victim testifies she will always be at risk.

Another speaker, Maria McMahon from the Scarlet Alliance in Sydney, stated that the retaliation often occurs within a year of deportation. It is noted that in the UK now and also in Germany and the US victims are not forced to return home against their wishes. The reasons underlying these policies concern the safety and welfare of the victims, which are regarded as paramount.

It is of interest to note in the report on gender based persecution claims by women asylum seekers in Australia, called *The Invisible Women*, a copy of which I have here, there were four claims made—two in 1999 and two in 2000—by trafficked women and these were denied by the Refugee Review Tribunal, either because they were disbelieved or because they were individual cases and not part of a social group, as required under the definition of a refugee promulgated by the refugee convention.

I would now like to speak to my point 6, on which I have elaborated further. As trafficking has occurred in Australia and still does, we should put in place appropriate support. Where there are reputable NGOs available to fulfil this function they should be adequately financially resourced in order to properly carry out their role. In the absence of such agencies, the government needs to establish these. I personally have reservations in regard to prostitute collectives or cooperatives receiving funding to provide services to trafficked women as from the Scarlet Alliance's presentation at the trafficking conference they appear to underestimate the problem of trafficking and indeed provide some vestige of acceptability by referring to the women involved as 'contract women'. Maria McMahon stated that her staff does not inquire about the women's immigration status.

As such organisations also service mainstream prostitutes they could be viewed as having a vested interest. I did not glean any attempt on their part to inform trafficked women of the illegality of their contracts. I believe the NGO Project Respect, which has shown specific interest in the plight of trafficked women, is the type of agency qualified to dispense high quality support and service to these women.

I have a couple of other quick points to make. The federal government needs to pressure those state governments who have not yet done so—as in Victoria—to pass complementary legislation to their reform of the penal code in 1999 in respect of sexual servitude. The states also need to pass legislation giving police greater investigatory powers, including the power of entering a brothel. Here in Victoria they do not have that power. A policeman cannot go into a brothel just to make an investigatory visit.

I would also like to make the point that there is an urgent need to sensitise and train police, many of whom—so I am told by a federal police officer—have an attitudinal problem, referring to trafficked women as 'only prostitutes'. Discriminatory attitudes such as that should be part of the criteria in the selection of new recruits. I would just like to add that I do agree with the Hon. Duncan Kerr's mention of the need for refuges for these women. I suggest that perhaps fliers could be made available to them through the department of immigration and maybe there could be a hotline or something like that. Thank you.

**CHAIR**—You have made a number of suggestions and recommendations. The first one is with regard to special visas to allow people to testify. I understand the reason. Should it be just for the period in which they testify or do you see a long-term need for protection?

**Ms Farmer**—I think that should be an option. In England, according to Paul Holmes, they have a special panel available which meets if it is deemed that a woman might be at risk or if she herself expresses disinclination to be returned to her homeland. That panel must have female members, and it decides whether or not to grant permanent residency.

**CHAIR**—Is that in the UK?

**Ms Farmer**—Yes.

**CHAIR**—I did not hear about that when I visited there. I had a special look at asylum seekers.

**Ms Farmer**—I remember, and I have notes.

**CHAIR**—When did they institute that?

**Ms Farmer**—Paul Holmes mentioned that at the conference.

**CHAIR**—We might follow that up and see of what interest that is. The problem is that if you simply provide it as a mechanism to stay here then it will be exploited fairly quickly. The other part of the question is: how would that protect those back at home?

**Ms Farmer**—It would not. It would only protect those who are here.

**CHAIR**—Anyway, we can follow that up. How would you see the refuge operating?

**Ms Farmer**—It would obviously need substantial funding. I feel like saying that maybe it should be under the auspices of Project Respect, but Project Respect are going to have a lot to do. I do not know whether they could become involved, unless they were expanded greatly with government funding. Ideally, an organisation like that would be a good one to auspice it. It would need to be staffed around the clock with well-trained staff. There would need to be a lot of protection involved.

**CHAIR**—Do you have a relationship with Project Respect? Are you aware of their work?

**Ms Farmer**—I am very aware of their work. I made contact with Kathleen Maltzahn.

**CHAIR**—Do they get federal funding or not?

**Ms Farmer**—I am not aware of that. I really do not know anything about their budget.

**Senator GREIG**—Ms Farmer, you spoke about the need, in your view, to better sensitise local police. Can you expand a little more on what you feel is lacking, what is needed and how the state might go about redressing that?

**Ms Farmer**—I guess we have to start with the selection of recruits. Those that we already have need to undergo some sort of attitudinal change. It is going to be necessary to employ skilled psychologists in training. It is about a basic, underlying principle of respecting women. If that is lacking in a policeman, I do not know what you are going to do about it. If there is some degree present then you have to work on that and enlarge on it. They need to be skilled in interviewing. You probably cannot do the whole lot; you have to start off with those who are going to be working in this particular field. There must be training programs staffed with social workers, psychologists and the like, to give them lectures and have workshops et cetera.

**Senator GREIG**—Do you think race is an issue here?

**Ms Farmer**—Race?

**Senator GREIG**—Yes. Do you feel that the antipathy you have indicated might be partly based on the notion that these women are, in some ways, seen as illegal immigrants, and that it is seen more as an immigration or race issue rather than a localised criminal law issue?

**Ms Farmer**—I cannot really answer that because I do not normally have conversations with the police. I have had the odd conversation with them at conferences but they are just with federal police—one was with the state police.

**Mr KERR**—Is it not just an opportunistic division? Certainly all the evidence that we have heard thus far—and that is not much—says that there is a predominance of Asian girls involved in illegal and legal brothels in Victoria. When I have travelled in Europe, I have found that there is a common name there for girls who were being trafficked. They are called ‘Natashas’—because they are trafficked out of the old Eastern bloc countries.

**Ms Farmer**—That is right. I believe they are on the roadside.

**Mr KERR**—Gender here is simply opportunism. The gangs that are trafficking girls out of former Soviet countries and ruthlessly exploiting them in countries like Greece, Italy and wherever are paralleled by people who are ruthlessly exploiting girls from China and Thailand.

**Ms Farmer**—That is true. The common factor is vulnerability related to poverty. Often they have been subjected to violence at home in their own families, or on the streets or whatever. So, to some extent, they are used to violence. They are opportunistic when they are tempted. The film *Lilya 4-Ever* depicted a young Russian girl beautifully. They are desperate. She was homeless. They are vulnerable and without proper adult support or supervision. They have a sense of adventure, they are offered a good job overseas and, before you know it, they are in the loop. Of course, once they are in the loop, they are brutalised and they are sold on across countries. They are just human cargo.

**CHAIR**—What contact have you had with women who have been involved in these contract arrangements?

**Ms Farmer**—I have had none. This is very much second-hand. I have spoken to a young woman who has recently completed her master’s degree in trafficking. She went to London to do that. She had first-hand experience. The local London police assisted her to get access to the brothels. The police have a very easy relationship with the legal brothel owners. They know them by their names. They introduced her to them. No doubt she had a few knock-backs, but she was able to interview seven of them. Her thesis has recently been handed in. It is only through that that I have heard about it.

**Senator McGAURAN**—I apologise for missing the beginning of your introduction. What is your background? I am sure you gave it in your introduction.

**Ms Farmer**—I am a retired social worker. I have no church, religious or political affiliations.

**CHAIR**—We thank you very much for your interest in this area and we appreciate your having come along today. We are working through this. We have only just started this inquiry. We are trying to find the parameters of what we are facing and determine what the federal government can do—especially what role the Australian Crime Commission should be playing, and what other areas of the federal government should be addressing this. We appreciate your input today. Thank you very much for coming.

[11.15 a.m.]

**HANBY, Ms Jocelyn, President, Soroptimist International, Victoria**

**CHAIR**—Welcome. Unfortunately I am not terribly familiar with the term ‘soroptimist’ so maybe you could start by explaining that when it comes to your input. As you are aware, we prefer all evidence to be given in public, but if you would like to go in camera then please let us know. I invite you to make some opening remarks about the committee’s inquiry and following that we will proceed to questions.

**Ms Hanby**—First of all, Soroptimist International is one of the world’s largest women’s service organisations, with 99,000 members in 124 countries. We are a worldwide organisation for women in management and professions, working through service projects to advance human rights and the status of women. We have five full-time volunteer representatives in various countries in which the United Nations operates. I am here today, as the previous person said, from a human rights perspective.

Soroptimist International is a global voice for women, working through awareness, advocacy and action in 124 countries. We are committed to service to local, national and international communities and active participation in decision making at all levels of society. We encourage our members to be aware of and involved in the issues of society but in a non-party political and non-sectarian way. We hold general consultative status with the United Nations Economic and Social Council and we have representation in UN centres in New York, Paris, Geneva and Vienna, and with UN agencies which have granted the organisation the recognised status of an international non-government organisation. That is the background to why I am here. ‘Soroptimist’ is a difficult name—it comes from two Latin words: ‘soro’ meaning ‘sister’ and ‘optima’ meaning ‘for the best’. It would be much easier if we had a shorter name like Rotary, Lions or something.

The submission that the Victorian soroptimists have put in, as I said, is from a human rights perspective and a concern for women. The first thing we would like to do is to urge the Australian government to ratify the UN protocol for the suppression and punishment of those involved in the trafficking of persons, especially women and children. Please note that this is a completely separate issue from people-smuggling. We would like to initiate legislative changes which will better protect women who have consented to work as prostitutes but have been deceived as to their working conditions.

We feel pretty strongly in particular that it should be forbidden to ask women to hand over their passports. Women should be informed on arrival that they have the right to retain their passports and be advised to keep them in their possession at all times. In a perfect world that would be wonderful, and I understand of course that it is not a perfect world, but we would think that that would help the women greatly. And an Australian visa should be made available to any apprehended woman who is a victim of trafficking to enable her to remain in Australia if she gives information to the police or is prepared to testify in a trafficking case. We do understand that such visas are available in the USA and other countries. I heard you say earlier that this could be readily exploited. It would not necessarily be a long-term visa but it would be a

temporary breathing space for the woman and for officials to make some inquiries. I think it is important to note that it would not be automatic.

We would like to coordinate a comprehensive governmental approach to trafficking, focusing on the protection of women and children involving relevant NGOs and local, state and federal government authorities, and including accommodation and counselling in the recovery services. In an ideal world, that could be very good, but we do understand that all these things are very expensive. We would also like an allowance of three months on a visa for a reflective delay to be available to women apprehended and suspected of being trafficked. This would provide victims with the opportunity to commence their recovery from the violence that they have experienced and enable them to decide whether they wish to supply information to the authorities, as happens in the Netherlands.

**CHAIR**—We will come back to that.

**Ms Hanby**—Sure. We would also like alternative detention arrangements at Villawood and Maribyrnong if the women are to be detained. Another issue we would like to see addressed is men's demand for access to trafficked women. That is human nature, so it would be difficult to address that. We would also like to see increased overseas aid for addressing the underlying factors giving rise to the vulnerability of young women—for example, addressing the tolerance of violence against women, war, inequality and poverty. We would like to see cooperation with support agencies in trafficked women's countries of origin and the encouragement of initiatives to counter the exploitation of women. Finally, we would like the provision of support for specialist NGOs, such as Project Respect, which I heard mentioned earlier, which provides information and support to trafficked victims.

**CHAIR**—Thank you very much. Where would you see the advising of people not to hand over their passports happening? It would provide certain difficulties at the airport, with huge queues.

**Ms Hanby**—Exactly. As I said, in an ideal world that would be difficult but that would probably be the first place for it. People should be informed at all times. I understand that a lot of these women come here to escape poverty or violence. They are on a big adventure. They are excited. They think they are starting a new life. If people said to them, 'Keep your passport with you at all times,' it would be—

**CHAIR**—Do you think that, because the traffickers are operating illegally anyway, legislation would make much difference?

**Ms Hanby**—No. I just think that it is a point that could be stressed at airports, particularly in Australia.

**CHAIR**—I am thinking about our five million international visitors, of whom two-thirds are from Asia, and trying to sort out those who are here on the factory holiday program and those who are here for other reasons.

**Ms Hanby**—It should apply generally to women—to keep their passports with them at all times and to keep them safe.



**CHAIR**—You mentioned visas to allow them to stay in Australia and also the Netherlands' experience. Could you amplify a bit on that?

**Ms Hanby**—No. I am sorry, I do not have knowledge about that. When we were putting this submission together it was mentioned.

**CHAIR**—It would be interesting if you could come back to us—

**Mr KERR**—There is a similar scheme in both the United States and Italy.

**CHAIR**—We might try to get some more information, but if you have anything available we might ask our research people to look into it.

**Ms Hanby**—I can certainly make it available.

**Senator GREIG**—In your submission you speak of your desire for the government to ratify the UN protocol for the suppression and punishment of those involved in the trafficking of people. The government has shown that it is not generally enthusiastic about international treaties. If you had an opportunity to speak directly to the federal Attorney-General or the Prime Minister, what would you tell them might be some realistic, practical outcomes of signing the treaty? In what way would it be an effective outcome in addressing the issue?

**Ms Hanby**—That is a very big question. To be honest, I could not really answer that off the top of my head, but I do have a lot of information at home et cetera and I could submit that in writing.

**Senator GREIG**—Okay. Is language an issue here in terms of both translation and cultural differences and the way in which we as white westerners address the issue with largely Asian women? Can you talk a little about the language difficulties, if they exist, and/or the cultural hurdles which we may be blind to when we are addressing these issues?

**Ms Hanby**—I think the cultural aspect is very difficult. As for language, Soroptimist International ran a project for four years in Thailand to stop young women going down from the hill tribes and being sold into sexual servitude in Bangkok. We ran that for four years, teaching women different skills et cetera. We did not have any language problems, and that was Thailand. In all that time, only two women from all the villages involved in the project went to Bangkok. Of course, there are always language difficulties. More than that I really cannot say.

**Senator GREIG**—You also talk in your submission of greater overseas development aid to address the foundations. It seems that the foundations are overwhelmingly poverty and a desperation to climb out of that with an opportunity for money. It is a big ask, isn't it?

**Ms Hanby**—It is an enormous ask.

**Senator GREIG**—Is there some way that Australia could perhaps more discretely and specifically target that kind of funding for overseas projects to help minimise the opportunity for and/or desire of women to come to Australia?

**Ms Hanby**—I think there are a lot of agencies already working. A lot of the time you can just throw money at things, which does not always fix it. We need skilled personnel with an understanding of the problems.

**CHAIR**—How many members of your organisation are there?

**Ms Hanby**—There are 99,000 world wide.

**CHAIR**—How many are there in Australia?

**Ms Hanby**—I think there are 1,458 in Australia.

**CHAIR**—Have you had any contact with trafficked women yourself?

**Ms Hanby**—No. As I say, we come to this purely from a human rights perspective.

**CHAIR**—We appreciate that.

**Senator McGAURAN**—You told us a little about your organisation, which I found interesting. Can you later supply the committee with more information so that I, at least, can put more weight on and give perspective to your submission?

**Ms Hanby**—Certainly.

**Senator McGAURAN**—Maybe you can give us an annual report or something like that?

**Ms Hanby**—Yes, and I brought some brochures in to explain things.

**Senator McGAURAN**—That sort of thing will help me to put it into perspective. Your point 7 states:

... to address men's demand for access to trafficked women;

But it is illegal, and it is a commercial activity anyway. I am not sure what you mean by that.

**Senator DENMAN**—I was going to ask whether you could differentiate it.

**Ms Hanby**—When I was addressing that point, I did say that was human nature.

**Senator DENMAN**—But I do not understand the 'access to trafficked women' statement. They have access to other women. What is the difference?

**Ms Hanby**—We mean the illegal brothels and the women who are being brought in—and young people.

**Mr KERR**—You say your focus is on human rights, but another way of putting that is that you are saying that we have our priorities wrong. We are not seeing it as an issue where the

interests of the people who have had their rights abused are at the top of the hierarchy of priorities. Take the example that you have raised about visas after apprehension. If people are simply sent out of the country, obviously that treats them in some way as though they, rather than the people who have exploited them, are the criminals. You can perhaps hear an argument that says, if you were to put a visa system in, it would be capable of some exploitation. But think about it this way: if it were a kid or somebody referred to as a slave, not allowing them to be returned to the place where they were taken in slavery so that they could give evidence and testify against those who enslaved them, it would sound like a very funny argument.

We have this mental conception that women in a sense deserve it if they find themselves in some circumstance where they are offering services in prostitution. I guess that that infects all our law enforcement because, if you did have a system which was giving priority to victims, you would be putting in place mechanisms both to protect them and their families and to crack down on those who were trafficking in them. That would be given a high priority and questions of cost would not be quite so prominent, particularly if you see it as a side effect of a tourism industry. If the argument is that we run our visitor visa system so lacking in stringency that large numbers of people are getting through without being effectively scrutinised and then we do not manage the system, and if corruption is not a reason—and I suspect we have to examine that second point—then I guess you would argue that we want to turn these priorities around.

**Ms Hanby**—Not necessarily. I think the visa situation would be up to each individual case. I am not a lawyer. I am just interested in human rights. I really think that it would be on an individual basis, not wholesale.

**CHAIR**—Ms Hanby, we thank you very much for coming here today. We will send you a copy of the *Hansard*. If you find any obvious mistakes in terms of the input, please let us know.

**Ms Hanby**—Thank you, and I will get that further information to you.

[11.41 a.m.]

**FLANAGAN, Mr Conor, Legal Policy Adviser, Legal Policy Unit, Victoria Police**

**LEANE, Inspector Stephen, Manager, Legal Policy Unit, Victoria Police**

**O'CONNOR, Senior Sergeant Chris, Detective Senior Sergeant, Legal Police Unit, Victoria Police**

**OVERLAND, Mr Simon, Acting Deputy Commissioner (Operations), Legal Policy Unit, Victoria Police**

**CHAIR**—The committee is examining the Australian Crime Commission's response to the emerging trend of trafficking in women for sexual servitude, with particular reference to the Australian Crime Commission's work in establishing the extent of people trafficking in Australia for the purpose of sexual servitude, the Australian Crime Commission's relationship with the relevant state and other Commonwealth agencies, and the adequacy of the current legislative framework. The committee, when it reports, wishes to be able to provide a picture of the extent of the problem of sexual servitude in Australia and consider how the newly established Australian Crime Commission has responded in both the Commonwealth and state arenas. The committee would also like to indicate whether the current legislative framework is appropriate to the emerging issues. I welcome the witnesses. Do you have any comments to make on the capacity in which you appear?

**Mr Overland**—My substantive role is that of assistant commissioner, crime. I am responsible for the crime department and the investigation of serious crime across Victoria. That includes responsibility for trafficking in people, including people who may be involved in the sex industry.

**Snr Sgt O'Connor**—I am from the sex crime squad of Victoria Police. I am currently managing Operation Pierglass on behalf of the Victoria Police.

**CHAIR**—Thank you very much. As you are aware, the committee prefers all evidence to be given in public, but if you wish to go into camera you can advise the committee and we will then consider it. I invite you to make some opening statements. We do not have a submission before us, so we look forward to your statements. We will then proceed to questions.

**Mr Overland**—Thank you very much for the opportunity to appear in front of this inquiry today. Victoria Police regards trafficking in women, and for that matter any human, for the purposes of sexual servitude or other purposes as an abhorrent crime and one that we are committed to tackling. To effectively respond to the problem of trafficking in women for the purposes of sexual servitude, it is essential that a partnership approach be adopted. This approach should ideally involve state and federal law enforcement and state and federal government and nongovernment agencies.

The issues that underpin the incidence of this crime are complex and require a strategic approach that includes, amongst other things, adequate resource allocation to ensure that the various responsible agencies are adequately trained and equipped to tackle the problem of trafficking women for the purposes of sexual servitude; engagement in prevention activities, such as promoting awareness of the problem in government, the community and the prostitution industry at the local, regional and international levels; victim assistance to ensure that victims' needs are catered for and that they are encouraged to assist law enforcement agencies to prosecute those responsible for trafficking activities—in fact, we think that is one of the most important aspects of any response—and developing partnerships between local, regional and international law enforcement agencies and other agencies committed to tackling the problem of trafficking women for the purposes of sexual servitude.

Consistent with these principles, Victoria Police is currently involved in developing a whole-of-government response to the problems of illegal activity in the Victorian prostitution industry. To this end we are members of an interdepartmental committee on illegal activity in the Victorian prostitution industry that was formed in August 2003. That committee is considering the issue of trafficking foreign nationals for the purposes of sexual servitude, with a view to formulating a more cohesive partnership approach to the problem. The committee will table the results of its deliberations for the Victorian government in March 2004.

Prior to this process commencing, Victoria Police set up a joint operational task force, which is Project Pierglass, to which Senior Sergeant O'Connor referred. The aim of that project is to look at illegal activity in the sex industry in Victoria, and trafficking in women is a component of that overall probe. That probe commenced following a lot of anecdotal evidence to suggest that, amongst other things, trafficking in women is a problem in Victoria. One of the difficulties that we have encountered is finding hard, empirical evidence that supports that. There is a lot of anecdotal evidence: some of it might be accurate; some of it we suspect is not. So we have focused on trying to have a clear understanding of what the problem is, because we think it is important to get that understanding before thinking about the policy and legal consequences that flow from that.

Within that process we are involved in consultation with a wide range of stakeholders, both within government and outside government. As I said, our aim is to have a much clearer intelligence picture by March of what we think is happening broadly within the sex industry in Victoria, and—of particular interest to this committee, of course—what is happening with the illegal trade in women, if in fact that is occurring. We want to say a little bit more about Project Pierglass but, as it is a current investigation and involves the analysis of police intelligence, we would like to request that we provide that information in camera.

**CHAIR**—Right. Later, or today?

**Mr Overland**—We can do it now, but if we go much further we start to get into current operational matters. We are happy to assist the committee with that, but we would rather do that in camera.

**CHAIR**—Perhaps we could do that. We might start off by exploring some of the wider issues and then go into camera at the end of your evidence, if that seems okay to the rest of the committee. Thanks very much for that, Mr Overland—have you finished your statement?

**Mr Overland**—I have. I was going to say a few more things, but that really takes us into the in camera area. If you would like to ask questions first, we can head there eventually.

**CHAIR**—Okay. Perhaps the committee could have a bit of an open forum, rather than one person leading the questions. This is our first morning of hearings. Could you tell us how extensive you believe the problem to be in Victoria? How many women are involved in this trafficking, from the women you have encountered who have been brought down on that basis? What is your experience in Victoria?

**Mr Overland**—The factual experience in Victoria is very limited. There is a matter that dates back to 1998 that we can perhaps talk a little more freely about—actually, we can talk freely about it because there has been a prosecution and now it is in the public domain. That is the Glasner matter, a prosecution in relation to a brothel here in Victoria where it was alleged that a woman was being used—or was a sexual slave, if you like. This incident predated Commonwealth sexual slavery legislation, and the prosecution was run under Victorian legislation and resulted in the individual concerned being fined.

Until recently, that is the only factual matter that we have come across in Victoria of this type of activity. There are, of course, some more recent matters that the Federal Police are prosecuting. They are current matters and are before the court. We were not involved in that investigation or the arrests. We have since obviously spoken to the Federal Police and obtained some intelligence from them in relation to that particular investigation, but the Federal Police would be better placed to talk to you about that. Aside from those two incidents, they are the only factual matters that we can substantiate that have come to our attention. As I said, there is a lot of anecdotal evidence that this is a problem, but part of our issue is trying to be clear about the extent of the problem. We are really still in the phase of trying to work out exactly how widespread the problem is and trying to work out whether there is any basis to the anecdotal evidence that is being provided to us.

**CHAIR**—On an operational basis, do you believe that this split that you have made to deal with legal and illegal brothels assists in this process of pursuing those who are trafficking in women and of identifying the illegal migrant—as we would call them—operators?

**Mr Overland**—It has certainly been suggested to us that there is that delineation, but experience does not bear that out. The AFP matter relates to a licensed brothel in Victoria. Again, anecdotally, it depends a bit on whom you talk to. If you talk to the people involved in the legal industry, they tell you that it is a problem in the illegal industry. If you talk to other people, they suggest that it is a problem across the board. We do not find it necessarily all that helpful to make that distinction. We prefer to think of it as a sex industry that does operate—some of it is regulated, some of it is unregulated—and illegal activity cuts across that. From our point of view, particularly in Victoria, the Victoria Police do not have exclusive responsibility for policing the sex industry. In fact, our view is that we have the responsibility for dealing with serious criminality that might arise within the sex industry, and that is how we would get involved. At the moment, to a certain extent, we do not see that we have exclusive responsibility for regulatory matters. I am not saying that we do not have any responsibility for that, but it is not something that is part of our ‘core business’, which I think is the best way to describe it.

**CHAIR**—Do you think that the alleged incidents of sexual traffickers could be a beat-up by those who run legalised brothels in trying to stamp out some of the competition?

**Mr Overland**—I think that could be a factor for some of the people who are providing information. In our profession you always need to ask yourself the question as to why people are providing you information. That could be a factor, but that is not to impugn everyone who has come forward and provided information to us. I suspect—and only suspect—that there may be some truth to what we are being told, but equally I suspect that in other cases, for whatever reason, the information is probably not correct. Some of it may be coming to us based on rumour, hearsay and innuendo. People who are quite genuine are coming forward telling us various things, but in a sense they are passing on information that is second-, third- or fourth-hand. Trying to trace back to the source of that information can be quite difficult. It is not inconceivable that some within the regulated industry might see it as in their interests to suggest that it is a problem in the unregulated industry, in the hope that the unregulated industry gets closed down, but there is a degree of speculation about that.

**Mr KERR**—In this work you are doing, have you been able to identify how visas are procured for people who come from overseas? How do these people enter the country and under what circumstances?

**Mr Overland**—Our experience generally is that people come into the country lawfully and that the visas are obtained lawfully. It is when they get here that, for whatever reason, they become engaged in activities that are in breach of their visas.

**Mr KERR**—Would those be tourism visas?

**Mr Overland**—By and large, yes.

**Mr KERR**—This puzzles me. I am very much aware of the fact that the department of immigration has a list of at-risk countries and, within those, groups of people who are regarded as at risk. Young women in a particular age band rank highly in the at-risk category—particularly those from South-East Asian countries and China—to the degree that perfectly legitimate visits being sought by friends of theirs in my electorate are treated with enormous scepticism. It is almost impossible to get visas. So if it is routine that people are coming into this industry on tourist visas, it raises a question with me: how are they getting these ‘legitimate visas’?

**Mr Overland**—I cannot comment on that. In our experience there is some evidence to suggest that there are women working within the sex industry who have come to this country lawfully and, by various means, they then find themselves in a situation where they are working in the sex industry. The other visa type that is an issue is the student visa. Again, our experience has been that some women from other countries, often Asian countries, come here on student visas and, for whatever reason, find themselves working in the sex industry. But they are not sexual slaves; they have not been trafficked for that purpose. They have come here for whatever reason and then they find employment in the sex industry.

**CHAIR**—I think it is important that we try to clarify this a bit. We had a subcommittee in Sydney, consisting of me and Senator Hutchins, who met with a brothel owner who then

introduced us to some people who had been trafficked. They had come down on a regular tourist visa and had been told that they were going to be working in bars and so on. They did not know that they were going to be prostitutes. Does that necessarily follow? Has it always been your experience that those involved in sexual servitude are brought down illegally? I am not quite sure how they get in if they have not come on a regular visa.

**Mr Overland**—I do not think that was what I was suggesting. I was suggesting that they come here legally and then find their way into the sex industry. The point I was making is that often it is not sexual slavery, because the women are quite happy to be involved in that industry.

**CHAIR**—In some cases, yes. Bear in mind that it is early days for this committee, so we are just trying to find out what the reality is. What we were told in Sydney by these girls was that they believed that they were going to be working in restaurants and bars and that was it. Then they were locked up and told, ‘This is what you are going to be doing.’

**Mr Overland**—We are not denying that that occurs. There is evidence that that is occurring. Our caution is about trying to quantify the size of the problem. I guess what I am suggesting to the committee is that we do not know the size of that problem here in Victoria. The available hard evidence is very limited. There is a certain amount of anecdotal evidence that we are currently testing. Generally, our experience has been, based on other information that is available to us, that Asian women in particular who are working in the sex industry are not in fact sex slaves as that term is defined.

**CHAIR**—We might ask you a bit more in camera about that.

**Mr KERR**—One of the issues, I suppose, that arises from what we hear, though, is that people who work in these areas often associate officials—the police—with people they hold in fear. It is quite possible that accounts provided at least at first instance to law enforcement officials or any official are coloured by that fact. Some of the evidence to us suggests that in order to get a fear free account you need to have time to take the fear away and you need the intervention of parties who do not intimidate the people you are interviewing. While we broadly in Australia have a corruption free law enforcement environment—I suppose I have to say that slightly tongue in cheek, although we certainly do compared to other countries—that is not the case in the law enforcement environments they come from. So they see police and they often think they are in cahoots with the people who have brought them to this country.

I am wondering—without you going too deeply—what actually happens when you have contact and encounters with these girls? How do you sift accounts? How do you assess what is being told to you? Do you assess it or do you bring in third parties from outside who might have the time and distance and space to move away from the normal sort of thing, which is taking a statement? I am not trying to be dismissive. This is the normal way police work for a whole range of proper reasons. But when we encounter a person normally and the police say, ‘Make a statement,’ they understand what is happening. But if you are dealing with girls who may be trafficked I am given to understand this is not an effective way of doing business.

**Mr Overland**—I will try and answer that question as best I can, but I guess it comes back to one of the points I made in the opening statement about the importance of victim welfare. Victim welfare is very important for a number of reasons that you have talked about in framing your



question. We are very aware that is an issue and that is one of the problems that we are currently trying to deal with. That said, there are some parallels between dealing with women who find themselves in those circumstances and other crime types that we get involved in. Chris might want to elaborate on some of this because his area of expertise is really in the area of sex crimes. He has been involved in the investigation of sex crimes for many years now.

But we have very sophisticated processes here in Victoria for dealing with vulnerable victims of crime in the sense that these women are vulnerable victims of crime. We have processes in place. We have specialised and trained units that are freestanding and that have been set up for the whole purpose of dealing with people in such situations. We have a process that we go through that is really about trying to make sure those people are as comfortable and as reassured and as safe as they can be, so that they will provide information to us.

That said, there are some added complexities in dealing with these women. You have the cultural issues that you have referred to. You have the language barrier often. English is certainly not their first language. You have those challenges to deal with. I guess you also have the complexity of dealing with migration law. If they are here and they are in breach of visas you have those issues that you need to try and work through as well. It is a problem, but I guess it is a problem that we are aware of and it is one that we try and manage as best we can. That said, I would not be confident to sit here and suggest to you that everything is right and that these people feel free to disclose information to us on an ongoing basis. Clearly, there is some evidence that that is an issue, but we try and manage it as best we can.

**Snr Sgt O'Connor**—I will elaborate on that. In purely clinical terms, a victim of any sexual assault is our most important item of evidence. In attempting to achieve the best possible outcome in relation to the quality of the evidence that the victim is going to provide, we have certain protocols in place. Indeed, with regard to facilitating, as best as any law enforcement agency can, the rehabilitation and recovery of any victim, we equally have dynamic protocols in place. In the first instance, in this state we have the Sexual Assault and Child Abuse Unit, whose role is specifically to deal with victims of sexual assault and also child victims of physical assault. We have special protocols in place as to the manner in which we deal—and the number of people who deal—with victims from the outset. From an investigative perspective, we have specialist investigators and squads whose role is solely sexual assault investigation. It is experience that has been developed over 25 years or so in this state, and the standard and quality of it is certainly, in my experience of travelling the world, superior to that of anything that I have seen anywhere. That does not mean that there are times when it does not work, because there are times when that does occur.

Coming back to the purpose of your question, victims of trafficking, sexual servitude, sexual slavery, abductions, rapes and so forth have common dynamics that need to be addressed in the first instance. We have in place the processes, expertise and quality of service to satisfy those. The second issue is the matter of facilitating best-quality recovery. Particularly when we are dealing with issues of a cultural nature, such as distrust of government law enforcement and so forth, we are mindful of that. We have in place in this state a requirement that the Centre Against Sexual Assault be advised and that the victim be taken to them within two hours of reporting a matter to the police. We have very articulated and, more importantly, high-quality medical processes that are available for the necessary—but certainly personally undignified—issues of medical examinations. So throughout the whole process the people that we supply for the benefit

of the victim and, more importantly, those that we enable the victim to have contact with—those providing specialist professional assistance—all add up to, at the end of the day, hopefully the best quality of service so that the evidence that is given by that victim, if they are required to give evidence, will be of the highest quality and will enable the best possible prosecution to be mounted.

**Mr KERR**—I understand that, and I am glad of that. That comes at a bit of an angle though to the sorts of circumstances we are discussing here. For example, Mr Overland mentioned having to negotiate the Department of Immigration and Multicultural and Indigenous Affairs visa issue. As to these women being the best items of evidence, I have seen them cowering in the back of detention centres, waiting for immediate deportation. I could not swear that these people were the victims of sexual slavery but that was the assertion that was being put at the time by some people associated with them. If people are being deported before proceedings take place, how does that fit with your approach?

**Snr Sgt O'Connor**—If Victoria Police were conducting and were responsible for the investigation, our protocols and procedures would be set in place and followed, as I have explained. As to what happens with other organisations, I am not in a position to comment on that.

**CHAIR**—Would you put in a request to DIMIA for extension of a visa so you could further question somebody who you believe might be caught up in sexual slavery?

**Mr Overland**—Yes. The current process would be to apply for a criminal justice visa to actually allow that person to remain in Australia for the purposes of a criminal prosecution.

**CHAIR**—But have you done that?

**Mr Overland**—Yes, we have. In relation to the Glasner matter, I understand that is what occurred. To be quite frank, that is an issue. I think there have been some positive recent developments in that area, but it is one of those areas of law enforcement that is complicated by a number of factors. One of those factors is the split between Commonwealth and state responsibilities, because in a sense the people-trafficking side of it is really a Commonwealth responsibility. From our end, the policing of illegal activity in the sex industry is our responsibility and that is the way we approach it. Sometimes those two things come together and it is a matter of trying to find effective ways to work through that. Again, it comes back to the whole question of partnerships—that we need to solve this problem. No one agency and no one jurisdiction can solve this problem on its own. We need to work together to find ways to do that.

**CHAIR**—I am interested in whether there has been any evidence of early advice when you have gone out on raids, in that hardly anybody was there when you arrived? Allegations have been made to us in Sydney regarding officials from various departments who could be involved in that.

**Mr Overland**—Any raids that we might do in relation to the sex industry are more directed towards state matters. Again, we have not had any recent involvement in enforcement activity in the sex industry that is directed solely towards the issue of sexual servitude. Our activity is directed more towards other state based instances of illegality. That includes action in relation to

unlicensed operators, and it mainly relates to the unregulated industry, where people are not complying with the regulatory requirements and are thereby committing an offence.

**Mr SERCOMBE**—You may be able to provide some more detail in camera, but I wonder whether in this environment you could make any observations about linkages between the areas within the sex industry in which you are taking a particular interest at the moment and other aspects of crime, organised or unorganised—for example, the drugs issue. It is on the public record at the moment that several murders in Victoria in recent times may have some relationship to the sex industry or people who are operating in the sex industry. Whilst we are in a public environment, I wonder whether you are able to make any observations to us about the extent to which broader issues of the criminal justice system have some impact here.

**Mr Overland**—It certainly would be easier for us to talk about that in camera. As a general observation, part of the motivation for establishing Operation Pierglass was based on the view that perhaps we did not have as clear a view about some of those issues as we might have—and there are a variety of reasons for that—so Operation Pierglass was initially established to help us develop a better picture of the extent of illegal activity in the sex industry in Victoria. Of course, that is an ongoing operational matter.

**Senator DENMAN**—I think it was you, Senior Sergeant O'Connor, who spoke about the provisional assistance given to a victim. If you find someone who has very little command of English, do you provide someone to translate for them?

**Mr Overland**—Yes, certainly.

**Senator DENMAN**—Thank you.

**Mr DUTTON**—I would like to ask a quick question in relation to statistics or facts that you might keep in relation to prostitution offences generally. What sorts of statistics are there and how are they collected?

**Mr Overland**—Obviously we do keep records of action taken in relation to offences in the sex industry. That information is kept on our LEAP system, which records all crime types and activity.

**Mr DUTTON**—Would you be able to take on notice and get back to us the question of crimes over, say, the last five years in relation to this particular area and whether or not there are any trends or specifics that we might be able to take out of the stats?

**Mr Overland**—Yes, I can take that on notice.

**CHAIR**—Do you regularly monitor the licensed brothels or only if there is some allegation of more serious crime?

**Mr Overland**—We do not have a role in monitoring licensed brothels. That is actually the responsibility of Consumer Affairs Victoria. We would only become involved in a licensed brothel if there was a suggestion that illegal activity was happening within that brothel.

**Mr KERR**—The submission we have received from the Scarlet Alliance—the sex workers' association—says that one of the ways that people are abused in this industry, in the area of trafficking, is where they are brought here under a contract of service and have to work for a certain period of time before they get any return at all for themselves. Once they finish that period, they are really an economic burden on the people who brought them here. They are then served up to the department of immigration and removed from the country, to allow in a new cycle of people who can be exploited. This may be something that we can explore more in the closed session, but I am wondering whether you are aware of any evidence, apocryphal or actual, of this occurring?

**Mr Overland**—Maybe we can talk about that when we are in camera.

**CHAIR**—There being no objections, the committee will now hear evidence in camera. We must now ask members of the public to leave. Thank you.

*Evidence was then taken in camera but later resumed in public—*

**Proceedings suspended from 12.56 p.m. to 1.36 p.m.**

**COSTELLO, Ms Georgina, Project Officer, Project Respect Inc.**

**MALTZAHN, Ms Kathleen, Director, Project Respect Inc.**

**CHAIR**—Welcome. The committee is examining the Australian Crime Commission's response to the emerging trend of the trafficking of women for sexual servitude, with particular reference to, firstly, the Australian Crime Commission's work in establishing the extent of people trafficking in Australia for the purposes of sexual servitude; secondly, the ACC's relationship with the relevant state and other Commonwealth agencies; and, thirdly, the adequacy of the current legislative framework. The committee, when it reports, wishes to be able to provide a picture of the extent of the problem of sexual servitude in Australia and to consider how the newly-established Australian Crime Commission has responded in the Commonwealth and state arenas. The committee would also like to indicate whether the current legislative framework is appropriate to the emerging issues.

I welcome Ms Kathleen Maltzahn and Ms Georgina Costello, who are representing Project Respect. We prefer that evidence be given in public but should you at any stage wish to go in camera then simply ask the committee. That did happen this morning. It is also true that we have had references to your organisation this morning, so we are looking forward to your evidence. Would you like to make an opening statement? We will follow it up with questions.

**Ms Maltzahn**—We wanted to address three broad things. I will speak first, Georgie will speak and then I will speak again on three areas. We have handed up a rough outline of what we want to mention. As you know from the submission, Project Respect is a not-for-profit organisation that challenges exploitation and violence in the sex industry. Trafficking women for prostitution is one of our particular focal points. That has particularly been the case in the last year where there has been a lot more interest in the issue.

The three things we want to touch on today get to the heart of what we see as ways forward around trafficking and ways to not only prevent it so much as do something around prosecution. The first issue is the most fundamental: that is, the issue of victim support. It has been very encouraging to see that the federal government has committed to put in funding and structures to support victims. We would argue very strongly that victim support should be seen not simply as a way of encouraging women to give evidence but as something of value in itself. If we have a position that says we should support victims because we need them for prosecutions, in some ways we are replicating the experience they have already had—which is about being used for somebody else's gain.

Internationally it is very clear that the stronger the commitment to victim support in itself the better people recover, the more they are able to cut off trafficking at the roots and the more prosecutions they get. In a sense, where it is very much about, 'We will help you if you help us,' it tends not to work very well. The reality is that where women feel forced again to do things they do not want—given they have come out of that experience—they tend to back off. So I guess our opening point is that we would really like to see a very strong commitment to victim support for its own sake.

The second point we want to make is that it is really encouraging to see that the federal government are putting in a whole lot of long-term measures. We are very encouraged that they are taking the time to get it right. But that leaves the important issue of what happens in the interim. As I understand it, in terms of victim support there may not be programs in place until March. From November to March is a long time for a woman on a contract. People are already starting to ask, 'What's going to happen. Can I come forward?' If we do not have a good system in place for the interim period, I think we are going to undo what is put in place in the longer term. We would also argue that, in terms of providing good interim support, it has to be of the same quality as the longer term stuff. We think the first cases that emerge in terms of trafficking will be really important. If they go badly, it will be spread through the sex industry more quickly than any of us can imagine and people just will not come forward. We would be hoping that the government would ask an organisation—for example, the Centre Against Sexual Assault—which has a strong base of dealing with victims of sexual violence, to work with women in the interim. There definitely has to be some victim support put in place now; because if we lose women here we have lost a whole lot more than just a few victims. We also think that whoever does the interim support needs some training to help them do the best they can.

In terms of long-term support, we would argue that there is a real need for specialisation to respond to trafficking. I think it would be possible to say that we can hand over victim support to organisations with a national reach who are big and who have a lot of experience in working with other marginalised groups. We would argue that this area is a very specific area—there is a whole language around the sex industry. There are issues about knowing who is in the industry and knowing what happens in it that are important for a support organisation to know. These are not necessarily easy to learn quickly. I think the more an agency has specialised in trafficking the more they can talk to women in a way that women know that they understand what is being said.

Our final point in terms of victim support is that we think there needs to be an acknowledgment of the role of specialist agencies. Again, internationally this is very clearly borne out: the best responses internationally come where specialist organisations, not mainstream government or non-government organisations, deliver services. I will pass over to Georgina to talk about law reform.

**Ms Costello**—In the outline there are five points, but they fall into three main areas. The first is the need for reform in relation to the visas that may be available to trafficked women or women who indicate the signs of being trafficked. The second is the necessary reform of the existing Commonwealth Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999, division 270 of the Criminal Code. The third is law reform in relation to those crimes and trafficking related crimes at a state level. In relation to that state level, it is hard to avoid looking at how prostitution laws and prostitution regulation are affected. I will firstly say something about the visa system.

Flowing on very much from our opening point about the need to put the victim at the centre of an approach to trafficking, the visa needs to give a woman protection against traffickers, to enable her to be safe. The proposal that the government has brought out in its package is not very different from what we already have—that being a slightly amended criminal justice visa. The problem with the criminal justice visa is that the process for obtaining it is that a requesting agency, such as the police or prosecutors, requests that the department of immigration offer that criminal justice visa for the duration of a criminal justice process. That means the visa is issued

at the discretion of those agencies, which may not as their first interest have the victim's interests at heart. So if a woman has evidence that is not useful to an investigation or if a woman does not want to give evidence then she may not be eligible for a criminal justice visa, which means that we still have trafficking victims who fall outside of this new proposed visa class.

It would be better in our view to have an onshore visa class specifically tailored to the needs of the victim rather than one touted, I suppose, as a criminal justice solution. It does, in a sense, need to be a migration solution for women, because the reality of giving testimony against organised criminals who have kept you in slave-like conditions is that there is a great reluctance about doing so. Unless there is a guarantee of some long-term protection, it is likely that women will be deterred from giving evidence. That is our first point: the visas that are provided need to be victim centred, nonconditional and as permanent as the circumstances warrant.

One clear problem with the criminal justice visa is that it is not like applying for a normal visa class, where you can apply and then apply for a review of a decision not to grant it. The decision is not reviewable. When the decision of the police not to follow an investigation coming out of information given by a trafficked woman would lead to a decision not to give a criminal justice visa, that decision is not reviewable as a migration decision. This means that victims are not getting the opportunity to have their right to that visa tested. I hope you are following me; please ask for clarification if you are not.

**Mr KERR**—Is it not the case that most of these never get into the hands of police? They are simply processed and sent away from the country without even the thought of an investigation entering anyone's mind.

**Ms Costello**—Yes, that has been the case quite often. If the only visa is this 30-day reflection type visa and then the criminal justice visa, which is what is proposed—and there may possibly be a further visa in the future—you are not going to get the opportunity to access the humanitarian discretion of the minister, for example, through section 417 or 351 of the Migration Act, because you do not have a reviewable decision to bring you into the jurisdiction for the minister to be able to exercise that humanitarian discretion. That discretion is so useful in cases where there are strong humanitarian reasons to allow someone to stay in the country. So I think we need to be careful about the sort of visa we create and we need to put the victim at the centre of it. Time does not permit a more thorough exposition of that issue, but if you need further information it can be made available.

The second point is about the existing laws. I am sure the first point is also made in other submissions. Currently, the deceptive recruiting offence is only targeted at someone tricking a woman into coming to Australia to work in an area apart from prostitution when in fact she is going to be working in prostitution. There are cases where a woman knows she is coming to work in prostitution but does not know that she will be working in a slave-like condition or a debt bondage situation. The deceptive recruiting offence does not contemplate that form of deception. It makes an inappropriate distinction between people who know they are coming to do prostitution and people who do not know they are coming to do prostitution. It is not okay to make anyone work in slave-like situations, even if they have willingly entered the sex industry. That is one area that needs to be reformed. It is also important as an easier offence to get the bad guys on, because it only requires preparatory conduct. That someone has been deceptively

brought across a border does not actually require proof of slavery and servitude-like conditions—as some of the other offences in the existing act do.

The existing sexual servitude and slavery laws do not reflect the realities of trafficked women's journeys. Nowhere in there does it reflect the use of a courier or mule who accompanies the woman across the border. Nowhere in the act does it cover the situation where traffickers withhold a woman's travel documents from her. Nowhere does the act include the circumstances where a woman is deceived about her migration status or where a false application is lodged on her behalf for the purposes of exploiting her without her knowledge. Nowhere does it talk about the detention of a woman in a car or a residence for the purpose of exploitation, which in our experience of some work with trafficked women does occur. They are couriered over here, taken to a residence where their liberty is restricted and shuttled to a brothel and back. We need to look at each element of this trafficking pattern and see where we can intervene with offences.

**CHAIR**—Do you mean by legislation?

**Ms Costello**—Yes, by legislative reform of Commonwealth and state legislation. At the moment, the Commonwealth code does not reflect the UN trafficking protocol, which we as a nation are intending to ratify, as I understand it.

**Mr KERR**—I am sorry. I did not understand the point you were making about a courier or mule.

**Ms Costello**—What typically occurs with the trafficking crime is that, in order to ensure that the woman gets across the border without trouble—and, I suppose, to protect the asset—the trafficker sends someone to accompany the trafficked victim across the border, and that person is paid a sum of money to do that. That in itself would be a crime, because they are accompanying someone across a border as part of a broader purpose to sexually exploit that person.

**Ms Maltzahn**—So they would get on the plane in Thailand, help them go through immigration at this end and at the other end, and that would be the end of their job. They sometimes get paid \$2,000, and they head back home.

**CHAIR**—Is that frequent? I have not heard of that before.

**Ms Maltzahn**—Yes, I think it is common. It is not always the case. Sometimes women come by themselves. As Paul Holmes, a police officer who was here recently, said, when women are coming into the country they do not know that they will be exploited. So at the point where they come into the country they are not trying to run away, because they do not yet know that there is a problem, and they are amenable to what is happening. Women will sometimes come in in a family grouping, posing as honeymoon couples. They will just be told what to do, and they do it.

**Mr KERR**—I will raise a question with you which I have asked others. You speak of knowledge of how these things happen. How is it that people get access to visas to permit this to occur? My experience in my constituency is that it is damned hard to get visas out of these countries. There are lists of places that are high risk and there are age and gender characteristics that identify people as being at high risk. I know that some of my constituents who have tried—



for ordinary and very proper reasons: to have friends visit or for people they have met or what have you—cannot. Repeated requests, even backed up with supporting letters from their member of parliament, have not produced a successful outcome. How is it that you can have mules and girls coming and going, as it were, unless there is corruption?

**Ms Maltzahn**—That is a question that people always ask and they always say, ‘I tried to bring my aunt; how can these women come in and be exploited when we cannot bring in people who want to come legitimately?’ That is a very fair question. I think a number of things happen. One is that there is a small end to this business: there are people who are just dabbling and they make a bit of money—they are opportunists. But there are also very organised syndicates that are making it work, and they have resources behind them. I do not really want to go into the discussion around corruption because it is difficult to substantiate and I do not think it is helpful for a group like us to make allegations. But what they will do is something like put \$10,000 in a woman’s account. They will change the person’s name, manufacture false identity documents, so that the person does not necessarily look as though they fit the profile of people who DIMIA would stop. So they are able to manipulate the system in that way.

I think it is also important to say that one possible reaction is to say that we need to be much more careful about who we let in. We would argue that that actually could be counterproductive. One of the reasons why women are susceptible to trafficking is that it is indeed hard to travel if you are a young Asian woman. If you make it even harder, women will be even more dependent, potentially, on traffickers, so you then have this vicious cycle. The other point is of course, as I said before, that when women are coming in at that point they are not necessarily fearful for themselves so they are not likely to be coming forward seeking help. All I would say is, briefly, that the traffickers know how the system works and they know how to manipulate it, even if they are not corrupting it in a sense.

**CHAIR**—Perhaps we should continue on with your submission.

**Ms Costello**—Certainly. Just to sum up, in terms of laws directed at trafficking related crime, the main ways that reform could be explored is by making the laws better reflect the actual conduct that is occurring and also by looking at how they reflect the UN trafficking protocol. In the states and territories we need new offences. The intention in 1999 when legislation was passed in a bipartisan way was that mirror legislation would be implemented in each state. That has not happened in all states. Now I think that would be a bit too late. I think we need to look at what the best legislation would be in each state rather than adopt the existing Commonwealth laws in each state at this late stage.

The role that prostitution regulation plays and the role that prostitution related laws play in the trafficking context also need exploration at the state level and the local government level: for example, looking at what particular authority has the opportunity to go into brothels and look at what is going on in them is an area that needs to be and should be looked at. I will pass over to Kathleen for the third point.

**CHAIR**—What was that final point? Looking at the laws for—

**Ms Costello**—For inspecting brothels where prostitution is decriminalised, such as it is in Victoria. You are not going to find trafficking if it is said: ‘Okay, it’s legal, it’s all right; we don’t

go into that brothel because it has a licence.’ When people say, ‘Oh, I have not come across any trafficking; it doesn’t seem to be a problem,’ I wonder where they have been looking. If a woman is taken from an airport to a place where she is not allowed to go outside and shuttled to and from a brothel, you will not actually meet her unless you go into a brothel or unless you have good sex industry contacts. At the moment there is a lack of—

**CHAIR**—So is that a role for the police or for DIMIA?

**Ms Maltzahn**—The police, in terms of engaging with the industry. And obviously that needs to be done sensitively; you do not want to have a situation where you further stigmatise and marginalise women who feel that then they are being harassed. But in Victoria the police do not go to brothels any more. I think that was some of the subtext this morning—we sat in on the end of it. They do not know the industry well enough to know what is happening, because with legalisation they have taken a step back. I think Simon Overland said, ‘We don’t see it as our responsibility unless there is a major crime.’ Victims of major crime in the sex industry tend not to come forward. DIMIA certainly has a role in that it is going into the industry, but it consistently—in the past, at least—has not been able to recognise trafficked women when it has found them. So both those parties have a role, and both need far more training to know what they are looking for and what to do when they find it.

**Ms Costello**—The absence of programs set up to help women leave the sex industry if they want to or access support services more broadly creates difficulties for non-government organisations trying to access brothels and the women trafficked within them.

**CHAIR**—Thanks very much. It is very interesting, and we would appreciate your further input—you may have heard some of our subcomments—on the various issues that we decide to look at. This is day one of the inquiry. We have had some subcommittee meetings in Sydney which have thrown up some issues, and there is a bit of a correlation between what was said to us in Sydney and what you have said. The deputy chair is going to lead the questions.

**Ms Costello**—I think there is just one more area, if you do not mind.

**Ms Maltzahn**—We were going to ping-pong back, if that is okay.

**CHAIR**—Sorry. That is all right.

**Ms Maltzahn**—This will be quick. The third area is awareness raising. The UN protocol talks about addressing trafficking in terms of prosecutions, protection and prevention, and awareness raising touches all three of those areas. Firstly, we think that there needs to be a whole lot of training of government agencies who may come into contact with trafficked women. DIMIA are an obviously example in that they are constantly in contact with these women, but it was not until perhaps May this year that they at last publicly acknowledged that they had contact with these women. We think that that needs to also include non-government organisations. Secondly, we need to do things to let trafficked women know how to access protection and justice. One thing that has worked internationally is a hotline.

**CHAIR**—Can I just come in there. One of the issues that were mentioned in Sydney was that they arrive without any language skills at all and they are locked up in a house, so how are they going to access that information?

**Ms Maltzahn**—A lot of them have mobiles. In some cases—and this goes to a further point—women are used in escort agencies, and those women I think are the most difficult women to contact because they are moved from a house, sent to a hotel or a home and brought back by a driver. Accessing them is very difficult. But for women who are in brothels—even if it is a brothel of women who are all trafficked—people talk. It may only be one in a hundred or one in a thousand, but those women may be able to get information. So, if you can get information out there that has a hotline number, they may be able to access it.

Going to the other point, we think that it would be a shame to spend a lot of money on the wrong thing. We noted in the Attorney-General's Department's submission that they say they are going to put \$630,000 into an awareness-raising program. If that is for general awareness raising of the community, it seems like a tremendous amount of money and a waste of money. We note that they do say that the program will specifically address the sex industry, and we think that is important—

**Mr KERR**—They are going to send fridge magnets to everyone!

**Ms Maltzahn**—In the shape of God knows what! We think that the most effective awareness raising would be of women in the sex industry. They talk about doing awareness raising with NGOs; to be honest—

**Ms Costello**—It should be the other way round.

**Ms Maltzahn**—To be honest, we think it should be the other way round. It seems to me if it is too broad based it is a waste of money. But if it is targeted at men who go to prostitutes, all over the world—and it is the same in Australia—it is often the customers who help women escape.

**CHAIR**—How do you send it to them?

**Ms Maltzahn**—Fridge magnets! I do not know how you send it to them. But you could go to where men find out about prostitution—the back of the *Daily Telegraph* in Sydney, the local newspapers in other areas and stuff like that.

**Mr KERR**—Where escort services are advertised?

**Ms Maltzahn**—Where they advertise, yes.

**Ms Costello**—That is an important thing to remember, I think, about prostitution: it cannot work if men cannot find the brothels and the women in them. That is relevant to how you spread the word this way.

**Mr KERR**—But it would have to be multilingual, wouldn't it?

**Ms Maltzahn**—Yes. You can rely on word of mouth stuff. That is dangerous but it can be useful. You need to do stuff in a whole range of publications. But the other thing—as Georgie was saying earlier—is if community groups or DIMIA are going into brothels they can be getting that information. You would have to do it sensitively, but with things like a hotline you can tell women if you have groups going in—groups like ours or the Scarlet Alliance or their member organisations that do outreach. But if people are not going in and the government is not supporting groups to go in, how do you get it to them? You cannot just stand outside and hand out flyers.

**CHAIR**—That is a good idea. The Scarlet Alliance, which is one that was mentioned this morning—

**Ms Maltzahn**—I do not know if Julie is here from RED, which is a Melbourne based group. That is a network of advocacy groups for sex workers. Then there are groups like ours. We are Melbourne based. We also go in.

**CHAIR**—So you both go in regularly?

**Ms Maltzahn**—Yes.

**CHAIR**—Do you have problems doing that or not?

**Ms Maltzahn**—It varies. Perversely, sometimes the places that you think should not let you in do. Sometimes people think it is easier to let you in than to make a fuss and not let you in.

**CHAIR**—You might protest outside.

**Ms Maltzahn**—Exactly. They let people in and then—it has happened to us—a couple of women are brought out to speak to you in a certain room. And you know that there are other women in another room. And then you hear from customers or other women that there are women under contract. It is problematic. But you need to try as many ways as possible. As before, you are not going to get 100 per cent of women knowing what is happening but if you can get a few that is better than what we have now.

**Mr KERR**—Just before you finish there, you talked about this awareness raising. One of the things that was put to us or we certainly had to consider was the degree to which we adjust policy. Plainly, if this is a general and large-scale problem it requires massive reorientation of resources and a refocussing of the Australian Crime Commission and a whole range of things. If it is a couple of individual instances, albeit terrible ones, then it requires more needle like addressing and more targeted intervention. We have been given different impressions about the degree to which this is a live issue. In your experience—because you are obviously going in and talking to people—to what degree do you say this is a live issue?

**Ms Maltzahn**—We say a number of things and one is that we are a community organisation. It is not really our job to make national estimates because we do not have the same range that the Australian Federal Police has. Notwithstanding that, because there have not been estimates being made we have tried to estimate. We think that 1,000 women at any one time is a reasonable number.

**CHAIR**—In Victoria or Australia wide?

**Ms Maltzahn**—Nationally. Clearly, that fluctuates and at times like this when there has been a lot of activity and when there is more scrutiny of potential traffickers people will lie low for a while. I would think that it is somewhere between a few instances and being a huge issue. It is clearly not tens of thousands of women. I do not think that that is the case. But it is a significant enough problem that we need to take it seriously. I do not think it is just a few aberrations that we are finding.

Again referring to international practices, in almost every jurisdiction where you talk to people they say that it is always much bigger than you expect. Paul Holmes is a police officer who was here recently. He is working for AusAID at the moment with the Mekong anti-trafficking project and he has run some of the most successful anti-trafficking prosecution campaigns in the world. When we said, 'We think it is 1,000,' he said, 'I would be really surprised if it is that limited.' That was quite interesting for us.

**Ms Costello**—He thought there would be more.

**Ms Maltzahn**—He thought it would be considerably more, given our population size. We have been fairly conservative in terms of what we have included in our estimates and who we have listened to.

**Mr SERCOMBE**—Who have you included in that estimate? Are you talking about women who have been deceived or coerced in some way? Is that who you are including? You are not including in the estimate women who may be here on, say, a student visa or a fraudulently obtained visitors visa who have not been deceived? Or are you including all women?

**Ms Maltzahn**—We are very clearly saying that, for us, it is not an issue of either their legal status in the country or—

**Mr SERCOMBE**—No, but within the 1,000.

**Ms Maltzahn**—Within the 1,000 we include women who are trafficked according to the UN definition, which is women who have been either deceived about the conditions or subjected to threat, violence et cetera. If women are just in the sex industry and they have breached their visa conditions, we really do not care.

**Mr SERCOMBE**—They are not included in the 1,000. From the submissions we have received, it is obvious that Project Respect is highly regarded by a wide range of people who take an interest in this subject. Just for my benefit—and, I am sure, for the benefit of other members of the committee—could you give us a bit of background as to how the organisation came about, what your structure is and where you see your priorities as being? Could you perhaps paint a picture for us of the organisation?

**Ms Maltzahn**—Sure. We were incorporated in 1998 and began direct work in 1999 with women in the sex industry. We started because the sex industry is big and it was clear that there were many gaps where services were not getting to women. I worked in the Philippines for five years—four years with women in the sex industry. Domestic and international trafficking is a

huge issue there. When I came back I was wondering who was looking at trafficking here. People would say, 'It does not happen.' It seemed to me that we were a very fortunate country if it was not happening, and were very different from everywhere else. As we started to go into brothels it was clear that it was happening.

We do work directly with women but we also do policy advocacy and community awareness. We do not want to replicate other services. For example, some of the sex worker advocacy groups do particularly good stuff around health, and sexual health in particular. We do not do that. We focus much more on issues around violence, and thus trafficking. We work with women to try to increase their life choices. If they want to find other ways of being in the sex industry so it is easier for them or if they want to explore other options—study, other forms of work et cetera—we help in that way.

**Mr SERCOMBE**—How do you finance yourselves?

**Ms Maltzahn**—Very badly! This is one of the issues—that trafficking has not been on any agendas. I would argue that with the legalisation of the sex industry in Victoria and similar sorts of movements around the country, people and governments have said, 'We have fixed that problem.' There is some money that goes to, for example, groups that work particularly with sexual health, but we would argue that there needs to be much more money generally for the welfare of women in the sex industry, because it can be a catchment area for women whose options have been limited in a whole range of ways.

Our biggest funding comes from local council, then from philanthropic organisations. We get no federal government money. We have a couple of very small grants from state government but no core funding from state or federal government.

**Mr SERCOMBE**—As the Commonwealth was preparing its recent statement in relation to this issue, was your organisation consulted by anyone in the Commonwealth government in relation to the package that was announced?

**Ms Maltzahn**—We have been talking quite a lot to the federal government since about May. I guess this all came up in March through the coronial inquiry into the death of Puongtong Simaplee, and we had legal standing there. Prior to that I had had meetings with many people in the federal government and in federal departments, but until that case people did not really believe what was happening—for all sorts of understandable reasons. Since then we have had quite a lot of contact with the Office of the Status of Women, the Attorney-General's Department and, to a lesser extent, the department of immigration, saying what we think the situation is. They contacted us before the package came out and told us what it would be.

**Mr SERCOMBE**—Have the Victorian police been talking to you in the context of the work they have been doing on Operation Pierglass?

**Ms Maltzahn**—We have met with them once. We have met with them less formally more recently. Georgie and I both were trainers at the Management of Serious Crimes, MOSC, course that the AFP put together. That specifically dealt with trafficking, and I think there were a couple of state police who we spoke to there. Chris O'Connor was at the conference we had on trafficking. But we certainly would be keen to talk more to the police. We would like them to

concentrate not on harassing people in the sex industry but on making it clear to women that, if they have problems, if they are victims of crimes, they can access the police and they will not be stigmatised.

**Ms Costello**—I hope that our quite significant head start on these issues and the extent of the research and writing that we have done, our strong relationships with overseas people at the cutting edge of counter-trafficking work and our work directly with trafficking victims, which informs everything we do, will be recognised in further consultations, because if you have not walked with a trafficked woman it is hard to understand why a visa that is just going to last until the trial is over will not work. We hope that we will continue to have access to inform policy makers about what will work for women in a practical sense due to our experience. We strongly believe that training is required by a range of organisations and that we are best placed to deliver that training.

**Mr SERCOMBE**—In relation to that point you make about visas—and I was very interested in your earlier comments in this respect—how would you respond to someone who might say, ‘Look, the difficulty with proceeding in the direction you were outlining earlier may well be that that would open up significant opportunities for the sorts of unscrupulous individuals we are talking about to in fact bring more women into Australia and allow them to remain for a longer period of time’? I am not advancing the argument myself, but I would be pretty confident that the counterview would be along the lines that, if the Commonwealth were to go in the direction you are proposing, that may well exacerbate the issues rather than contribute to some solutions. Certainly there would need to be some liberalisation of the circumstances of the criminal justice type visa to make it more humane and responsive to the needs of women, but to go as far as you are suggesting may well open up further opportunities for traffickers to enable women to stay here longer.

**Ms Costello**—We would have to have faith in our ability to determine who has been trafficked and who has not. We would need to think carefully about how to set up a good process for making that determination. In terms of fraud in relation to a new visa, some people might say, ‘Wouldn’t women pretend to have been trafficked?’ Again, it is a matter of setting up the right process to make that determination.

**Mr SERCOMBE**—It would be very difficult, wouldn’t it?

**Ms Costello**—We have to do it in relation to all our other visa classes also.

**CHAIR**—With great difficulty, as we have discussed before.

**Ms Costello**—Yes. At the moment there is a significant abuse of process in relation to the refugee visa situation where trafficked women are concerned, and that is that, as you heard earlier from the Victorian police, traffickers tend to bring women in on legal visas. Then, if a refugee application is made within 45 days of arrival, the woman is eligible for work rights, which means that no migration law has apparently been broken—although there is the fact that the refugee application was not made in good faith. That means that the woman has work rights until the department of immigration has resolved her protection claim—generally unsuccessfully because it was not made with much effort. Then she applies to the Refugee Review Tribunal for a review, and it is knocked back there. At that point the work rights cease, but the trafficker has

already received free labour to the amount of 700 or 900 sexual services, for which customers have paid \$100 a service. She might be just near paying off her contract. Then the trafficker may let DIMIA know that her work rights have ceased, given that the application has been refused. At that point, the department of immigration unwittingly assists traffickers, in a sense, in removing and deporting that woman.

**CHAIR**—Do you think they do so wittingly or unwittingly?

**Ms Costello**—I would not go so far as to suggest that they would wittingly assist traffickers. But I am saying constructively that that seems to have occurred.

**CHAIR**—Before we continue, I have two quick questions. In Britain, when people come in they are immediately classified. If a person is put on what is called a ‘manifestly unfounded claim’ they are processed within a week. If you have countries from which it is unlikely that you are going to have a genuine refugee application, do you think that might assist in focusing on those countries which are more likely to have a genuine refugee basis? At the moment, if somebody says they are a refugee, no matter what country they come from, they still go through the process.

**Ms Costello**—That is beyond the scope of Project Respect’s authority to comment on.

**CHAIR**—But it underpins one of the reasons why they are able to be exploited.

**Ms Costello**—The profiles of countries that send trafficked women tend to be different to the profiles of refugee producing countries.

**Mr KERR**—That is the point the chair is making. Wisely or unwisely in the broader scheme of things, he is saying that for countries where there is no profile of refugee claims it might assist by having a quick determination process.

**Ms Costello**—But I am saying that you might have a woman who is brought here from a country that was not—

**CHAIR**—Thailand, for example.

**Ms Costello**—Yes. She could be from Thailand. She might make a refugee application and be immediately deported because it is manifestly unfounded, but she could in fact be a trafficking victim.

**Ms Maltzahn**—But they are saying you have to have the same system for trafficking.

**Ms Costello**—I guess that would rely on very good intelligence gathering in terms of where the sending countries are.

**CHAIR**—But it is one of the bases. The second one is the argument from some of the people in the industry that they can come down from Korea as a working holiday maker, to coin the phrase loosely, and that that should be applied to countries such as Thailand, which would then undercut the ability of the traffickers to exploit the situation of getting people down here.



**Ms Costello**—In the broader picture, I think this is where refugee policy and trafficking issues crisscross and become complex. As it becomes more difficult for people to cross borders legally, their vulnerability to exploitation increases. It is hard to find quick solutions for that.

**Ms Maltzahn**—I would like to add a couple of things. In terms of equity, if British, Japanese and Korean backpackers can come here and have work rights, maybe it makes sense to extend that to young people from Thailand or from elsewhere in Asia. I think that would involve a relatively simple change in the migration laws that would not be about strengthening the hand of the traffickers. I think that proposal has merit and would have far more support than, for example, a sex worker visa, which we would certainly oppose and which I think many other people in the community would oppose. I think the proposal is a good one, in that it gives people flexibility in visiting the country.

In terms of the issue of opening the floodgate—which is how we have heard it described many times now—we do not think that this is an issue where there are tens of thousands or hundreds of thousands of people being trafficked. So I would argue that, if the Australian Crime Commission, the Australian Federal Police, the state and territory police and the department of immigration cannot work out, between them, who the traffickers are, how they operate and what the profile of women is then, if they are investigators, they are in the wrong profession. If you can map out what trafficking looks at, surely if someone makes a claim that they have been trafficked you would test it against what you know. If people absolutely fit outside what is usual, that would be one way of fairly quickly knocking them out of the equation. As I understand it, in a number of countries in Europe it can be quite easy to access victim support, but, if you are found to be fraudulent, you are prosecuted—you take your chances. I think it is better to be more flexible at the beginning of the process and to build in deterrents to fraud later down the track than to be so strict about who you will recognise as having been trafficked that you lose a whole lot of women.

**CHAIR**—Are you proposing that all women who have been involved in the sex trade and who come from Asia and who apply for this special visa class should be able to get it or only those that claim that they have been trafficked?

**Ms Maltzahn**—Only those that claim they have been trafficked. They are different things. I do not personally want to see women who are coming into the sex industry being deported—that is not particularly my desired outcome for anyone—but it is a different thing. It should only be women that say they have been trafficked. As I say, you can test that to some extent.

**Mr KERR**—One point that has been raised is that DIMIA were apparently unable to supply the Victorian police with any statistics about the number of people who might have been subjected to trafficking. I have two interrelated questions. What is the present protocol when DIMIA are alerted to somebody working in the sex industry without a visa or with an expired visa or what have you, and what should the protocol be? My understanding is that it might have changed recently—that there is no protocol that requires people to assess or test or weigh up whether somebody has been trafficked or to seek statements that would go to those higher up the tree, with a view to prosecution.

**Ms Maltzahn**—This has been the crucial problem in the past. Of course there is a protocol between DIMIA and the AFP to notify the AFP of organised crime, but the DIMIA people were

not recognising organised crime when they saw it, in terms of trafficking. I guess it is better to ask DIMIA and the AFP about what they are doing now. But there are two things. Firstly, as far as I can tell, there are not uniform responses. My sense is that, in Sydney, DIMIA have done a lot more work to get themselves in a position where they can potentially recognise women, and where women make some allegations they would know how to deal with them. I am not aware that that has been done so well in Victoria. It may be that we just do not know about it.

My understanding, based on the new changes and conversations with the Office of the Status of Women and others, is that DIMIA should not be detaining people at the moment who make allegations of trafficking. I do not know if DIMIA have yet had the appropriate training to allow them to identify women. I have heard a story—and I have not been able to confirm it yet—that, after a raid only three or four weeks ago here in Victoria on a brothel reputed to have trafficked women, those women were detained and deported. From outside government, it does not look as though it is quite working yet. We suggest there needs to be: (1) good and thorough training, not just a little bit; (2) a clear understanding of what some of the indicators might be for trafficked women; and (3) information given to people in the industry about the processes. At the moment, it is a bit of a mystery to all of us. We know that there is a \$20 million package, but we are not quite sure how it is going to work. If brothel owners and women in the industry are given that information—and, again, many of them might not see it—it may be useful to them.

**Ms Costello**—I would like to respond to your question, because it raises interesting issues. There is obviously a popular desire in Australia to control borders. I think that needs to be balanced with the need to resist organised crime. Trafficking is something very lucrative that organised crime across the globe is involved in. The only way that we are going to effectively combat organised crime in this area is through prosecutions that are witness led. If we do not establish the right visas, we are unlikely to get those prosecutions. So that concern about the integrity of our migration control needs to be countered with the right visa which will affect the prosecution of traffickers.

**Mr SERCOMBE**—You are absolutely right. The question is: what sort of visa?

**Ms Costello**—Yes.

**CHAIR**—I would like to remind you that we are now out of time. We are finding this very interesting, but I want to advise the committee that we probably need to start winding up our questions.

**Mr KERR**—I have one last question flowing from that. You made the point that DIMIA does not screen for people who are trafficked. I would have thought that there ought to be some preliminary screening, even of people who are not trafficked. Presumably people are arriving in ways which avoid immigration responsibilities, and some of these people may be coming voluntarily but allowing others to arrange scams. The people who are arranging these immigration scams ought not be immune, even if the girls in particular instances are not trafficked. So don't you think that some preliminary screening is necessary?

**Ms Maltzahn**—We would argue for more scrutiny of migration agents in Australia who have been involved in very problematic engagement with organised crime facilitating this. My concern about doing scrutiny in sending countries is that stopping some people getting on planes

seems to me to be a very expensive thing to do and is not necessarily flexible. We could set up something in Thailand about screening people, but it would shift. It would probably shift to Korean women. Unless all embassies have a good system in place, we are not necessarily going to keep up with that. We would argue for a more broad based approach that would better target aid programs that look at women's self-sufficiency, address women's social inequality and look at violence against women. That is not going to fix the problem in the short term, but it does address some of that. Obviously I can see the validity of trying to stop people getting on planes, but I am not sure that that is the most effective or the cheapest way of doing it.

**CHAIR**—Earlier witnesses from the City of Yarra talked about arriving on a raid or a visit to find that the people they thought could have been contract women disappeared within five minutes. Do you see much of that happening?

**Ms Maltzahn**—Local council tells us that. Local council tells us, 'If you go out and do raids then the women disappear'—and brothels close down and they start up in the next municipality. Again, that is all part of this absolutely uncoordinated approach, where nobody talks to anybody and women are told not to ask for help. That is the other issue that came up with the police. They say, 'Women are not coming to us.' Our experience is that you cannot front up to someone and ask, 'Are you trafficked, love?' One, the language is not useful and, two, when someone has told you that your family will be harmed if you talk to the police and the police are paid off anyway and the immigration department is, you will be very quiet.

My experience is that women will initially go, 'No, I'm fine,' and then—for example, when they are about to leave the country, if they are being deported—they say, 'Actually, I'm under contract. Can you help me get some money back? They did this to me, this to me, this to me.' And they are not telling you stuff to get a migration outcome, because they are going home. They are telling you because it is too late for them to get into trouble now. So it goes again to that issue of how we approach these women.

**CHAIR**—Exit interviews by DIMIA or the AFP may be useful too in that regard.

**Mr KERR**—You made the point about access to visas—that for the 417 visa or the other visas you have to go through some kind of formal application and be rejected. Would you argue for the minister to have a discretionary power to grant visas to people who have been trafficked—to allow for a variety of circumstances?

**Ms Costello**—We would argue for a new visa class that was appropriate for trafficked women, where the decision to grant that visa could be reviewed so that, if the decision was wrong or the person fell just outside the criteria for that visa class, they would be within the jurisdiction of the minister's humanitarian discretion.

**Mr KERR**—But it is not reviewable at the moment.

**Ms Costello**—No. I do not want to say that the system for humanitarian discretion visas under 417 is perfect—it is a non-reviewable, non-compellable process that lacks transparency—but at least someone with strong humanitarian claims can get another chance, and you cannot access that through the CJV process.

**CHAIR**—We were told this morning about the system it is claimed they have in the UK, the Netherlands and somewhere else, where a separate panel looks at those who claim to be trafficked. There is a review panel that is separate from the normal migration outcome or a refugee review tribunal, and half of the panel have to be women. Do you know anything about that? I had not heard of it before.

**Ms Maltzahn**—I can make a guess, but I would not stand by this because it is only a guess. What they might be referring to is that, in the UK at least, after a woman has gone through a prosecution she cannot be expelled by the country before an independent panel has reviewed her situation. It will decide whether she gets some sort of permanent residency visa.

**CHAIR**—Is that sex workers?

**Ms Maltzahn**—It is trafficked women who have gone through a prosecution. In the UK they say they have never yet deported someone who has given evidence, and the police speak very strongly in favour of the women staying, because they say, 'If she was a threat before she gave evidence, when she goes home that will have been increased many times by having given evidence.'

**CHAIR**—That is interesting.

**Mr KERR**—I would assume too that there would need to be police cooperation in source countries because of fear of family retributions.

**Ms Maltzahn**—Yes, absolutely.

**Mr KERR**—That is the thing that would deter me in real life, although I cannot imagine myself in that situation.

**Ms Maltzahn**—My understanding is that in the UK almost all of the women who have agreed to testify do not have a family. That is a really big issue. In the US they have relocated people's families. The other thing is that many times women come to support their family and they will put up with suffering, but obviously they will not easily endanger their kids. We do need to address in some way what happens to people's families.

**Ms Costello**—Interaction between NGOs and experts on a panel and the police is worth exploring. New ways of interviewing victims, by having DIMIA and the police interviewing them, could be explored. There are some good overseas models whereby social workers and lawyers are present, right from the word go, at these interviews to make sure that the victim tells their story. Often they have the specialised knowledge to prompt them through the right questions being asked. Also, our organisation has a lot of knowledge about the incidence of trafficking. It is important for cooperation to occur so that that intelligence is shared.

**Senator GREIG**—I have two questions. Firstly, you mentioned that you were not consulted by the government in its coming up with its recent resource package and priority announcement. Have you had an opportunity to scrutinise what has been proposed and do you have any comments on that? Secondly, a few weeks ago here in Melbourne, at RMIT, you coordinated and

hosted a forum on this topic and I am wondering if there was anything new that came out of that that you have not had an opportunity to include in your submission or raise here today.

**Ms Maltzahn**—We did have some sort of consultation and indeed we were invited to a roundtable discussion with Senator Allison. Having said that, I certainly felt that it took a long time before anyone would talk to us. We have had some time to look at the package. At this stage a lot of the details are not nailed down. This is part of the difficulty in that we are talking hypothetically a lot of the time but you cannot talk hypothetically to trafficked women or women who are wanting to come forward. Going to your second question, that is one of our big concerns. Women are coming forward now or people who know women are saying, ‘What’s going to happen,’ and I say, ‘I’ll ring Grant Edwards at the AFP and maybe’—it’s all ‘maybe’. It is very up in the air. Women who have already taken a risk and trusted people have found out that it was a mistake to have taken the risk. To ask them again to take a risk because someone is saying, ‘No, trust me; it will be okay,’ is problematic.

In terms of the package, we have some concerns about the AFP, not because of anything about the AFP themselves but because they are a long way from where trafficking is happening and if their teams are Canberra based we are wondering how that will work. In state police forces there is a great wealth of victim support and management that is not the specialty of the AFP, because of the AFP’s nature. That is not a criticism of the people there. So that is something that we are concerned about.

We are concerned that support services may go to organisations that do not have a strong background in trafficking. Then we are concerned about the impact on women. We are concerned that the package can be in some ways about prosecution outcomes, rather than restitution to the victims over what our legislation says is a crime against humanity. Those are important things, as Georgina has just pointed out.

The other thing that I think is absolutely fundamental is the issue of demand for trafficking. If all we talk about is stopping the flow and fixing the problem after it has happened, we will have a lot of work for a long time. It is a difficult issue but I do think we have to ask questions about why there is a demand for women who cannot refuse certain sexual acts, numbers of sexual acts, certain customers and sex without a condom. We have to start asking questions about what people are buying when they buy trafficked women. I think that brings up very difficult questions about the sex industry but we need to have such conversations. Internationally, more and more people are saying, ‘We’ve got to look at this issue of demand’—and of course that has not been mentioned at all in the package so far.

**CHAIR**—Sorry to cut in—I know we are out of time. That is an issue that came up in my discussions in Sydney and it is contrary to what was said this morning—I do not know whether you were here—by the Yarra council. A guy from the Yarra council, a former policeman, said that from his view the services provided were more limited in the illegal brothels, whereas in Sydney the advice was that amongst the trafficked women the services expected were much greater—unsafe sex et cetera. In terms of what you have just said, it sounds likely that the latter is the case rather than the former.

**Ms Maltzahn**—They are describing two different situations. Of course, we have a different legal set-up in Victoria to the one in Sydney, so it is partly comparing different things. Part of

what you sell with a trafficked woman is someone to whom you can do anything you want. It might be that you only want to have a particular type of sex or it might be that you want to be violent—whatever it is, fundamentally, at the guts of it, you are able to do that. So I think it is absolutely true that trafficked women are made to do a whole lot of other things that other women in the industry may be able to say no to. The illegal thing is complicated because in lots of the illegal brothels, as the person from the City of Yarra said, they have ‘rub and tug’ services—masturbation and massage—so it is a very limited sexual service. Occasionally people do have other forms of sex. People often conflate the illegality of trafficking with illegal brothels. In Victoria, certainly in our experience, most of the trafficking we know about goes into legal brothels. It may be happening in big numbers in illegal brothels, but it is hard to know because it is harder to get into them. So both statements are probably true.

**Senator McGAURAN**—I am not sure what you mean by addressing ‘the demand’—the demand of the customer or of the trafficker?

**Ms Maltzahn**—Both, but the demand of the customer is what makes it viable for the trafficker. There is a demand for trafficked women by traffickers because they sell.

**Senator McGAURAN**—Aren’t the answers to both the trafficker’s demand and the customer’s demand pretty simple one-liners? One is commercial and one is self-gratification.

**Ms Maltzahn**—Yes.

**Senator McGAURAN**—Is it that complicated?

**CHAIR**—Do you mean ‘demand’ in terms of the range of services?

**Ms Maltzahn**—The range of services and the service in itself. People buy a whole lot of different things when they buy prostitution sex: it may be particular sexual acts, it may be a feeling of power and it may be power that is based in terms of—

**Senator McGAURAN**—It is probably all that, but I am not sure what your point is. This will take us down a whole different track, I am sure.

**Mr KERR**—It is an interesting question because I think you are hypothesising that people actually go out to buy trafficked sexual services as opposed to sexual services. That is an interesting point—not one that I had ever thought about, to be honest. I assumed, I suppose like Senator McGauran, that most people would not know that they are purchasing trafficked sexual services; they are purchasing a sexual service. The fact that somebody is employed in circumstances that involve sexual servitude would not be known to the customer.

**Ms Maltzahn**—There are a few issues. I think you are right in saying that often they do not know. It is often surprising how much less people know than you would think an intelligent person might be able to work out. There is the question of why people know. Chris Joyce, who is a lawyer in New South Wales—and he has worked with a lot of trafficked women—gave an interview a while ago and said that one day he asked one of these women about how men approached her, and she said that out of the 500 customers she had, because it was a 500-job contract, four men had asked her if she was okay. It is interesting that obviously 496 people

approached her as if her welfare was entirely irrelevant to what they were buying and as if their right to whatever service they wanted overrode how she was as a person, whether that was in terms of the violence of trafficking or other things. So addressing the demand is, I suppose, saying that men have a responsibility to ensure that they are not buying women in these situations and then looking at the broader questions of inequality. In Europe people seem to be saying, 'If you can build this challenge into general education—the demand for sexual services, involving domestic violence, sexual assault et cetera—then it is important that you do.'

**Ms Costello**—In terms of your analysis of demand as being partly about cash and partly about self-gratification, I guess it is getting behind the self-gratification and whether we could do some work as a community in terms of challenging what is gratifying and the appropriateness of various types of activities. It does not necessarily follow that legalising prostitution means that prostitution is fine in whatever form it takes. I know there has been a reluctance to tread on prostitution issues where you are looking at a federal jurisdiction, but it is so relevant to the consideration of trafficking that it would, in a sense, be less relevant if your findings—in my view—did not touch on prostitution.

**CHAIR**—Unfortunately we are out of time.

**Senator McGAURAN**—Do you mean prostitution as a moral issue? Is that what you are putting forward?

**Ms Maltzahn**—No, it is an issue of access to wellbeing. It is an issue of equality and inequality. Prostitution can be an industry where women who have few choices find their lack of choices compounded and men exercise power over women. It can be more complicated than that. But definitely not a moral issue, because if it is moral then you invariably start condemning women. What we say is that it is not women who are the problem in any of this; it is about people with more power exercising it.

**Senator McGAURAN**—It is about the morality of the men.

**Ms Maltzahn**—Yes, so long as we do not go into that old-style 'these are bad women' morality.

**Ms Costello**—In Sweden they have decriminalised the selling of prostitution but criminalised the buying of it. So it is not illegal for a woman to be a prostitute but it is illegal for a man to buy the services.

**Ms Maltzahn**—And they do not actually prosecute very often because they are not wanting to be punitive. They want to be educative and get people to ask questions about what is involved.

**CHAIR**—Thank you very much for that interesting and informative evidence.

**Mr KERR**—Can we just warn you though that we are not going to be able to do the interim things that you said are important because we probably are not going to report until after the interim period.

**Ms Maltzahn**—Who knows how long the interim period will go for?

**CHAIR**—We thank you for your evidence. You obviously have a lot of experience in this area, which we value. It may well be that we come back to you for some advice as we think through the issues. This is day 1 and we are trying to work through the issues ourselves and come to grips with what is happening. We appreciate very much your appearing here today.



[3.01 p.m.]

**VICHIE, Ms Stancea, Chaplain, Maribyrnong Detention Centre**

**CHAIR**—I call the committee to order. The committee is examining the Australian Crime Commission's response to the emerging trend of trafficking women for sexual servitude, with particular reference to, firstly, the ACC's work in establishing the extent of people trafficking in Australia for the purpose of sexual servitude; secondly, the ACC's relationship with the relevant state and other Commonwealth agencies; and, thirdly, the adequacy of the current legislative framework. I welcome Ms Stancea Vichie, a chaplain at Maribyrnong Detention Centre, whom I invite to make an opening statement. We will then proceed to questions.

**Ms Vichie**—As I said in my submission—small as it is—I have been visiting the Maribyrnong Detention Centre for almost four years. I have authorisation from the Catholic Archdiocese of Melbourne as well as DIMIA and ACM to fulfil that role. I am simply one of the chaplains. It is a voluntary role. The Maribyrnong Detention Centre, as you would know, has quite a mixed population: asylum seekers, people who have overstayed their visas and sometimes ex-prisoners. There are also people who have been in the country for quite a long time who have families here and who seek to stay in Australia. Their papers are not in order so they are placed in detention while that is happening. So it is quite a mixed population.

I have access to all those people in both the women's/family area and in the men's area. My role is pastoral. I simply go there to be available for people on a friendly basis and to get to know them. Some people are only there once and then they are gone, so I do not get to know them at all. People can chat with me about any issues that they want to chat about. Depending on their psychological, mental or emotional state, there can be a whole range of issues—from not so severe to sometimes quite severe issues—that they want to speak about. You could say that I have a simple presence amongst the people.

Part of the population who have been placed in there are women who have been trafficked. I said in my submission that there have been only a couple of occasions on which I have been sure that the women have been trafficked. The numbers seemed to add up: there were reports in the papers that the raid was done on one day, I would visit the centre the next day and there the women were. So I have actually met some of those women. There have been other women placed in there at different times. I am not sure whether they have been involved in the sex industry or not. They do not usually tell me those sorts of things. I might only see them once so perhaps the level of trust is not there for them to speak to me about those sorts of issues.

I mentioned in my submission that perhaps alternative forms of accommodation could be available to the women, rather than detaining them. I do not know quite what the immigration issues would be for the women, but I was simply proposing that the women could be housed in a facility where they would have access to a social worker and other professionals who might be able to assist them. The social worker at the detention centre has such a huge number of people that—and I have no evidence to suggest this—it would be very difficult for her to be available for all those women, particularly in the short time they are often there.

Most times, I have noticed they are only there this week and next week they are gone. On the odd occasion there have been women who have stayed on for maybe two weeks. There is a whole range of other women who come into the centre. I am never sure whether they have been actually involved in the sex industry and their visas have run out. I am not too sure. But at times I have had a sense that that is maybe why they are there: they are en route back to their country of origin.

Certainly, there are ranges of other women who are there too who were brought in because they have perhaps been in a relationship or are married to a local man and somehow or other their papers have not been correct. Some of them have had very difficult situations to deal with, too, and maybe it is another form of trafficking. Who can know? I suppose that is a bit of a nutshell view of what the involvement is and what I have seen there.

**CHAIR**—Thank you very much. Thank you for taking on the role, especially as it is a voluntary role. It is obviously a very worthwhile one. On the question of alternative detention: most of these women would be there for a relatively short period of time, wouldn't they?

**Ms Vichie**—They would, yes.

**CHAIR**—Usually it is less than a month that they are there for in these categories. I am not 100 per cent sure of that but I think that is the case in most of the cases. Perhaps to set up an alternative program for such a short space of time may require more people to be involved in counselling, for example, at the centre.

**Ms Vichie**—Yes. One thing I wondered was perhaps whether an agency which is already very familiar with and working with women who are at risk in whatever category might be a very good agency to perhaps take on accommodation and any counselling needs or other transition needs that the women might have. People who already have experience with women who are at risk in a whole range of areas could be involved.

**CHAIR**—I suppose there is the problem of absconding. They are basically being deported so there is probably a high risk of them absconding.

**Ms Vichie**—Yes. That could be an issue. I was trying to line it up with my other work, which is working with asylum seekers who are living in the community—asylum seekers who have no rights or entitlements and no income. The project that I work with actually works with this group. Our experience is that they do not abscond. A lot of that has to do with the fact that we are actually working with them in a way in which trust is gained. Some of them are actually people who I had got to know in the detention centre. They have been released into the support of the project I work with. The level of support that we are able to assist them with includes housing and basic living assistance. The team has social workers in it. We also have very good community volunteers. Some of them are people from the churches. We have other volunteers as well. We have an outreach team. I have seen that working very well and people not absconding into the community. It would still be possible for a similar sort of situation to work for women who are in this situation without absconding happening.

**CHAIR**—I suppose it is a little different in terms of the women who you are dealing with at Maribyrnong being deported in that the time limit is fairly short.

**Ms Vichie**—It is limited, yes.

**CHAIR**—The other people have a real chance to perhaps stay here permanently, so it is in their best interests not to disappear. I am thinking it through with you.

**Mr KERR**—I guess I was going to ask what your experience is with the women. Do you see other agencies involved in discussions and which work with this group of women? Or once they go into these detention centres are they essentially left and not contacted by the police or DIMIA or what have you?

**Ms Vichie**—There are a couple of DIMIA workers at the detention centre, so I would imagine that they would be having some contact with them. The social worker employed by ACM would have some contact. I do not know the extent of that contact but, given the number of people she has to work with, it could turn out to be limited at times because of the workload she would have. From the outside, I am not aware of any organisations, except Project Respect, that might try to contact the women or support them in any way. Because it is sometimes a short stay and, again, because I am usually not aware of whether or not they are women that have been trafficked, it is a very difficult and sensitive area in which to enlist other people. If they are there for a period of time, it is possible to link them with a visitor. There is a group of people that visit the detention centre regularly but, again, they might only have a few visits. It could be that they have not met any other people in the wider Australian community, so their visits would be limited probably to people from Project Respect or the regular visitors to the detention centre.

**CHAIR**—Do they want to go home at that stage, or stay in Australia?

**Ms Vichie**—That is difficult to know. Sometimes English is a real problem, so it is not always easy to communicate with the women. They may have a small amount of English and, if I say to them, ‘Are you looking forward to going home?’ they will often say yes, but I can read that it is a yes with reservations.

**Mr SERCOMBE**—Obviously your discussions with the women are private and confidential, but are you able to give us any general observations about the women that you meet in that context in terms of what their experience has been here? For example, you say that you know that a number of them have been trafficked. On what basis do you make that assumption? What sorts of experiences do they generally describe to you about what has happened to them while they have been here? Do they make any observations about what their expectations were when they arrived in Australia? Do you get a feel for the extent of the deception that may have occurred with some of these women?

**Ms Vichie**—As I mentioned, the only time I have ever known that the women have been trafficked—and I have put two and two together—has been where there has been a report in the newspaper and that exact number are in the detention centre within a day or two of that, when I go to visit in a particular week. As I also mentioned, they do not ever tell me that they have been trafficked or that they have come here as contract workers in the sex industry. I can understand why they do not reveal anything to me. I am a new person that they have just met. Even if I meet them in the second week or even the third week, they do not tell me that that is what has happened to them. I do not pry. I do not ask them any questions about why they came to Australia. I suppose I leave it free for them to say what they want to say to me. I know that, at

times, some women have looked very distant and vacant almost. I have not been sure, but I can only read into it that the woman is afraid and uncertain. I am very conscious of some of the emotional states that some of the women are in at times.

Whether I know they have been trafficked or not, there are, as I say, women coming in and out of there all the time. I do not always know why they are there, except that they are being sent back to their own country. I suppose there are many occasions when, right across the board with those women, I do have a sense that they have left something that is difficult and they are returning to something that is difficult, uncertain and not easy for them. It often leaves me with a sense of helplessness, not knowing what I can do, or how, except that I have that small opportunity to be quietly present for a woman, with a sense of dignity and respect. The role of the chaplain is a more limited role too. There are other organisations that can work at other levels with and on behalf of the women.

**Mr KERR**—Have you dealt with anybody that has been the subject of a criminal justice visa or who has been giving testimony in any of these instances?

**Ms Vichie**—No. No woman has ever told me that she has been doing that.

**Senator DENMAN**—I know this is not your role—and I am sorry that I was not here for the beginning of your presentation—but do you get the sense that any sexual abuse is occurring within those centres?

**Ms Vichie**—I have no evidence of that at all, no.

**CHAIR**—In terms of these alternative programs, there was one for women and children in Woomera. Because Woomera was closed down, another centre has just been opened in Baxter.

**Ms Vichie**—Yes, that is right.

**CHAIR**—It will be quite interesting to also consider the people in this category and the type of support they might need. That is something we can take on board to look at anyway.

**Ms Vichie**—I have actually had experience in that alternative place of detention arrangement through the project I work with where families or single people are being released from detention into an alternative place of detention.

**CHAIR**—What is your view of that?

**Ms Vichie**—It certainly has its difficulties, but it usually turns out to be preferable to the family remaining in the detention centre; that has been our experience. It is quite time consuming. By the time you develop the volunteer capacity to accompany people to their appointments or children to school and things like that, it is quite time consuming and takes a lot of volunteers. Each case is quite different, of course.

**CHAIR**—As there are no further questions, we thank you very much for your submission and your time in appearing before the committee.

[3.16 p.m.]

**JEFFREYS, Associate Professor Sheila, Public Officer, Coalition Against Trafficking in Women Australia**

**CHAIR**—I call the committee to order. The committee is examining the Australian Crime Commission's response to the emerging trend of trafficking in women for sexual servitude, with particular reference to, firstly, the ACC's work in establishing the extent of people trafficking in Australia for the purpose of sexual servitude; secondly, the ACC's relationship with the relevant state and other Commonwealth agencies; and, thirdly, the adequacy of the current legislative framework. I welcome Associate Professor Sheila Jeffreys, representing the Coalition Against Trafficking in Women Australia. Do you wish to make any additional comments regarding your appearance today before the committee?

**Prof. Jeffreys**—I am an associate professor in political science at the University of Melbourne.

**CHAIR**—Thank you very much. As you are aware, we prefer to have all evidence given in public. But should you at any time wish to go into in camera, please ask the committee and we will consider your request. I invite you to make an opening statement and we will then proceed to questions.

**Prof. Jeffreys**—Thank you for giving me the opportunity to speak with you. The Coalition Against Trafficking in Women is an international nongovernment organisation. It was founded in 1989 and it has category 2 consultative status with ECOSOC. I am the public officer of the Coalition Against Trafficking in Women Australia, which was founded here in Melbourne in 1994. The Coalition Against Trafficking in Women Australia's submission concentrates upon the issue of the links between the legalisation of prostitution, the traffic in women and the question of demand. So I will address those particular points. If I may, I will give a very brief version of what was in my submission, concentrating on those main points.

First of all, I would like to address the definition of 'trafficking' because there has been some confusion about it in the submissions to this inquiry. The Australian government, following the lead of organisations such as the Scarlet Alliance in Australia, have argued until recently that there is not a trafficking problem in Australia because the prostituted women who are brought here are consenting. This does not fit with the definitions of trafficking in international instruments such as the UN Convention against Transnational Organised Crime protocol of 2000. This latest and most authoritative definition says that consent is irrelevant so long as women are brought by coercion, deception, sold by their parents, exploited due to their vulnerability—which is very important and the commonest method—or placed in conditions of servitude, which include having passports confiscated and being in debt bondage. These conditions are absolutely normal in the case of women trafficked to Australia. So whether or not they knew that they would end up in prostitution is irrelevant for the definition of 'trafficking'.

I would like to talk about ending the demand, which was also addressed by the last speaker. Article 9 of the protocol asks states' parties who sign the protocol—as Australia has done—to

take steps to decrease the demand which creates trafficking. I suggest that there is no separate demand for trafficked women. Male buyers do not make a special demand for trafficked women to use; they simply demand to buy prostituted women. This is quite similar to the way in which distinctions have often been made between 'prostitution' and 'child prostitution' and 'sex tourism' and 'child sex tourism'. For instance, if we look at international child sex tourism, internationally the vast majority of women enter the sex industry at very young ages, and internationally the men who seek to use them are not usually concerned with their age; that does not seem to be crucial. I suggest that deciding whether or not women are trafficked is not crucial to buyers. The demand is for prostitution rather than for trafficking or for girls aged 14 and so on.

It is a matter of concern that the submission to this inquiry from Scarlet Alliance suggests that legal brothel owners should be able to import women directly into debt bondage by paying for their tickets; that would be licensed and state sanctioned trafficking. Brothel owners would still liaise with traffickers in the country of origin and buy in women. I suggest that Australia is already in some disrepute in the international community because of the policy of legalised brothel prostitution in some states and territories—and this would make the situation worse.

In terms of demand, just a few weeks ago a 2003 conference was held at De Paul University in Chicago which was devoted to looking at the demand for trafficking and how to reduce it. The conference report, which is not yet out, will cover areas such as pornography, gentlemen's clubs, legalised brothels and advertising which represents women as prostituted as being forces which increase demand among men to buy women in prostitution and therefore create trafficking. At present, demand is becoming absolutely fundamental to the international community.

I now address the connection between trafficking and the legalisation of prostitution. The United Nations monitoring body for the slavery conventions—that is 26 and 56 and includes the 1949 convention on trafficking in persons and the exploitation of the prostitution of others, which Australia did not sign—is called the Working Group on Contemporary Forms of Slavery. It says in its 2003 report that it is important for states to neither legalise prostitution nor treat prostitution simply as work, because this leads to trafficking—and it states that very clearly.

Trafficking women for prostitution, as suggested by much of the evidence to this inquiry, is the third most profitable area of international crime after drugs and guns, and it is growing as the international sex industry grows. The international sex industry is growing as the result of legalisation in some countries and toleration in others. For instance, the Daily Planet, a very large brothel in Melbourne which was launched on the Stock Exchange in 2003, has plans to franchise not just to other parts of Australia but internationally. So we need to understand that Australia is very much implicated in the enormous and burgeoning international sex industry.

As the sex industry in Western countries grows, it requires women for male buyers. It is hard for brothels to find enough women locally because often women are not sufficiently impoverished or desperate; thus women are sourced from overseas with the help of organised crime. In Europe presently it is estimated that 80 per cent of prostituted women in Amsterdam and London are trafficked; in Madrid, where pimping and procuring were decriminalised in 1995, 70 per cent of the 90 per cent of that city's prostituted women who are from other countries are considered to be trafficked.

Legalisation leads to trafficking in two ways: the massive illegal industry, which always accompanies legalisation—for instance, in Victoria an estimated 100 legal and 400 illegal brothels employ trafficked women; and the legal industry, which also uses trafficked women. In fact, the first arrests, which took place in June this year under the 1999 sexual servitude legislation, were of people accused of keeping five Thai women in servitude in North Fitzroy to work in the legal brothel 417 in Brunswick Street.

So the recommendations that I would like to make are, first, that Australia should ratify the 2000 protocol on trafficking; second, Australia should commit itself to fulfilling its commitments under article 9, which are towards ending the demand; third, Australian states and territories should be encouraged to look again at their policies of legalisation, which lead to huge increases in the legal and illegal sex industries and create the demand for trafficking; and, fourth, the Swedish model should be examined as a way forward for Australia. Sweden's 1999 legislation on violence against women includes the penalising of the buyers of sexual services. In Sweden prostitution is understood to be a form of men's violence against women—it is not accepted as work—and that may be because of the force that women pose within the parliament and government. Trafficking in women has been greatly reduced in that country because traffickers want to place women where there are the least restrictions.

**CHAIR**—Thanks very much; that was interesting. It would be useful to hear your views on the question of working holiday visas—such as those that exist for people from Japan, Korea, Great Britain and many European countries—and extending them to countries such as Thailand, from where a number of trafficked women come. It is thought that if such a scheme were instituted it would lessen the number of women who would be trafficked, because if women wanted to come here they could come by way of a working holiday program. I would be interested in your views on that.

**Prof. Jeffreys**—As I understand it, there are brothels, including ones in Melbourne, that have dormitories upstairs for women who are supposedly travelling but are in prostitution, so the women are actually stored in the brothels for their use. These are travelling women of the kind that you are suggesting. In terms of equity, I cannot see very good reasons to make a very separate rule for some countries than one that is made for other countries. I think the problem is that we have an expanding interest in prostitution which requires women in this way and is creating these situations for women to be brought here.

**CHAIR**—How do you see that the demand could be reduced? You have mentioned the Swedish model as one way. How else would you propose that we reduce the demand?

**Prof. Jeffreys**—The situation we are in is that the demand is increasing, and in this country pornography is particularly important in creating the demand. We would need to work out how to create different social attitudes to prostitution. The situation is that in different countries of the world different percentages of men are reported as using women in prostitution. At the moment the figure is not very high in Australia compared with countries like Thailand or Greece, for instance. So we need to ask ourselves the question of how high we want that percentage to be in Australia. If we do not want large percentages of Australian men to use women in prostitution, which is not a natural behaviour but is actually a learnt behaviour, then we need to work out how to reverse that process.

My organisation's understanding is that prostitution does need to be understood as a form of men's violence against women and that there can be educational programs, such as with domestic violence, for instance, for which there was a zero tolerance campaign in which some cities that had signed on to zero tolerance actually put advertisements around the boundaries of their cities saying, 'Domestic violence is not tolerated here' and 'Zero tolerance of domestic violence'. So I think it would be very good to have large posters saying, for instance, 'Zero tolerance of prostitution abuse'. The problem is that we are in a country in which several states and territories have legalised prostitution, and we would need to actually do something about that first. I do not think we can separately reduce something called 'the demand for trafficked women', because I do not think there is a separate demand. It is difficult to know. The industry, for instance, might be upset if there were actually an attempt to prevent their clientele becoming larger. We need to know how to work within what is a legalised and very difficult framework to actually discourage men and boys. We need education in schools, and all the way through, to actually discourage boys and men from using women in prostitution and pornography, which is of course simply the filming of the practices of prostitution.

**Mr SERCOMBE**—Do you advocate removing the legalisation of prostitution in Victoria, for example?

**Prof. Jeffreys**—Of course, yes. I would argue that we need the Swedish model here too because that is the most effective model.

**Mr SERCOMBE**—So that would be sanctions against the demand side, not against the supply side?

**Prof. Jeffreys**—Against the buyer. That is decriminalising the women and penalising the male buyer of the sexual services.

**Mr SERCOMBE**—What has been the experience in Sweden since that has been introduced?

**Prof. Jeffreys**—My understanding is that trafficking has become almost non-existent in Sweden. However, countries on Sweden's borders are now saying they are getting more trafficking and more sex tourism because men are going elsewhere and traffickers are going into areas which are easier, so it is important that countries on Sweden's borders also adopt this legislation. It really needs to be happening in many countries. I do not think Australia has exactly that situation but that seems to be what happens. Traffickers do not wish to go into countries where it is difficult to put women into brothels and simply have the women used. That makes sense.

**Mr KERR**—I hate to take us back to the good old days, but in the good old days there never was any prostitution in Australia, was there? There never was organised crime.

**Prof. Jeffreys**—I think you are joking, aren't you?

**Mr KERR**—Of course I am. I am suggesting to you that the argument that we have seen an expansion of prostitution seems implausible, given the strength of the evidence about prostitution in Sydney, the unlicensed prostitution running out of Queensland, the corruption of police and the organised crime that went with it.



**Prof. Jeffreys**—The estimates are that before legalisation in Victoria there were 60 to 70 illegal massage parlours that were functioning as brothels. We now have 100 legal and an estimated 400 illegal brothels. So I do think there has been an increase. But when you say that prostitution has always been in Australia, at least since colonisation, I suggest to you that this tells us that prostitution is a harmful cultural practice. In United Nations' understandings, practices against women and the girl child which are harmful to their health, which rise from the subordination of women, which are for the benefit of men and which arise from harmful attitudes—which can be changed—are called harmful cultural practices. These includes things such as female genital mutilation, son preference, force-feeding and so on.

Prostitution fits all those categories. What is more, harmful cultural practices are always justified by tradition. People always say that that has always been the case; you cannot do anything about it. In fact, we do have to do something about it, and we need to add prostitution to that list. That means that we have to really work on dramatically changing social attitudes, as the UN approach to harmful cultural practices suggests, in order to eliminate prostitution.

**Mr KERR**—But the UN approaches to a number of things is wise, and the UN approaches to a number of things are very foolish. For example, the United Nations approach to drugs—the international war on drugs—has seen terrible outcomes in the name of prohibition. Sometimes the cure is worse than the disease, if I might say so. I cannot help but believe that if you make an activity such as prostitution illicit you therefore increase the return to those prepared to risk. Undoubtedly in this area, those prepared to risk are corrupt officials and organised crime. That was the history of prostitution in Australia for three decades. I remember my first trip onto the mainland as a school kid. I was put up in a hotel in Kings Cross. I have just reread the letters I wrote home about the street life in the Cross. You may create a worse problem in trafficking by this kind of alleged suppression. That is the alternative view. That is the evidence we have had from alternative witnesses: by treating this in a punitive way we create a worse problem.

**Prof. Jeffreys**—Historically, what has tended to be said about why you should not penalise the men who buy women is that a lot of them are very respectable and they would lose a lot if they were sent to prison, and so would their wives and children. But of course there has been penalising of women. We have to lose the idea that men who buy women in prostitution are respectable and that they may be parliamentarians, lawyers, headmasters, members of the cloth or whatever. We have to state that that use of women is abusive. We need to work out how best to create that cultural understanding in Australia if we are going to eliminate the social harms.

The social harms associated with prostitution are trafficking and organised crime, but there is also massive harm to both the mental and physical health of women who are prostituted. There is also the harm to the status of women generally and the harm to the women whose husbands, partners and workmates are using women in prostitution. Prostitution, as it grows, creates big changes in the whole culture. When it is legalised, normalised and accepted, it creates big changes in the culture. Australia is now in a position to start thinking about how to turn that back. It is very interesting that the issue of trafficking is causing a lot of people to rethink their support for prostitution, which is exactly what happened in the twenties and thirties leading up to the 1949 convention against trafficking in women.

At that point many countries in Europe, for instance, had legalised brothels but it was pointed out that they became centres for trafficking. They were the entrepôts, the warehouses, that

trafficked women were stored in, and therefore things began to shift around. I think, historically, we are in the same situation now, which is that trafficking gives us a way in of recognising that prostitution is about the exploitation of vulnerability, the exploitation of the young, and the exploitation of those who are very poor or migrants. It is not an ordinary job that needs to be understood as work.

**Mr KERR**—Many in the industry would argue the contrary, and many women take a different view. All I am saying is that this is a larger issue, beyond our remit. You are saying, ‘Seize upon this as a way of winding back a social discussion that has been going on in Australia,’ but it is largely in the other direction. It is largely driven by women working in the industry saying that they want to be able to conduct their practices lawfully and not by men who say that they fear exposure. Truthfully, when prostitution was illegal, very rarely were men ever mentioned. There would have been very few instances in Australian history, I think, where men were disgraced. It was women who were the victims through that period of illegality. The argument has been advanced by people saying that this was an unacceptable way of dealing with this, and it is an argument that has largely been successful in many jurisdictions, and soon in others, in Australia. So our only response cannot be, ‘Wind back the legalisation of prostitution’; we have to have a response that accepts that, at least in some Australian jurisdictions, there is going to be a regulated sector and an unregulated sector in which prostitution occurs.

**Prof. Jeffreys**—I would suggest the regulation of prostitution was—certainly in the 19th and early 20th centuries—about delivering clean women to men. But it was basically about protecting men’s abuse of women in prostitution and making sure that it was regulated in a fashion that did not create too many social harms. That, I suggest, is the situation we presently have in Australia, and we can change this. But it is difficult to change it because it actually means confronting something terribly important to men. It must be very important to legislators and men in general, otherwise we would not have these systems of prostitution, these systems of what I would describe as commercial sexual violence, existing in the world and protected by legislatures. We can end harmful cultural practices and we can end men’s demand, but it does require a will to do so. I think, from what you have been saying, in Australia that will has been particularly absent. There has been a real acceptance of men’s rights to buy women in Australia.

**Mr KERR**—But in Australia the argument has not been put forward—certainly, not in my experience—by men. The advocacy for the legalisation of prostitution has largely been put forward by women speaking out from within the sex industry.

**Prof. Jeffreys**—It has been actually a very small proportion of women, who have become self-styled spokeswomen and said that they would like prostitution to continue. They rely upon this for an income. But there are industries that do have to end. For instance, let us take logging of old growth forests. Very often when the protesters are there they are confronted by the loggers, who say, ‘Our jobs will go.’ We cannot have logging of old growth forests because of jobs going. They do go. We have to have reconstruction; we have to find other jobs for the loggers. In the same way, in prostitution there are some women who are prepared to come out in a job’s worth situation and say, ‘We need to protect this industry because we are getting money from it’. What we find in research is that 80 per cent or more of women in that situation say they wish to come out of prostitution. They do not wish to be in there and they do not see themselves at all as having made a reasonable choice to be in prostitution. Internationally, that is certainly the case.

It is like the tobacco industry. They put up these representatives called the Marlboro men, who said, 'We love smoking and it is fine,' when their health was actually rather badly affected. I think that the women who are the spokeswomen for the prostitution industry are put up so that the industry is what is protected—and men's right to buy women. We have to consider the millions of women and girls who do not wish to be there, who desperately wish to be out of prostitution. And I am afraid that, yes, when we get beyond these spokeswomen and when we get rid of men's demand, there is not going to be a prostitution industry for those women to be in and that will be a very good thing.

**CHAIR**—This is an interesting debate, but I think we are moving a bit beyond the immediate focus of this inquiry. We also have a time constraint; we are running now almost 15 minutes behind. If no-one has any further questions. I think we have had some excellent final words. I am sure Mr Kerr would like to continue the debate!

**Mr KERR**—No, no.

**CHAIR**—I think it was very interesting to listen to. Professor Jeffreys, thank you very much for coming today. You made some very interesting points which the committee will take on board. Thank you very much for appearing here today and for your interest in this area.

**Prof. Jeffreys**—Thank you.

[3.40 p.m.]

**MARGINSON, Ms Melba, Chairwoman, Victorian Immigrant and Refugee Women's Coalition**

**CHAIR**—The committee is examining the Australian Crime Commission's response to the emerging trend of trafficking in women for sexual servitude. I welcome Ms Melba Marginson, representing the Victorian Immigrant and Refugee Women's Coalition. I invite you to make an opening statement, and then we will proceed to questions.

**Ms Marginson**—When I was invited to speak to this inquiry I thought, 'Gee, this could be a bit daunting.'

**CHAIR**—We are very user friendly!

**Ms Marginson**—I will start of speaking about my own knowledge, expertise and experience about this issue and then comment on the things mentioned in my submission. First of all, I would like to talk about my experiences to demonstrate the depth of my concern and the concern of my organisation about this issue. For more than a decade I have been involved in migrant women's issues in this country, specifically in Victoria. I actively participated in and played a major role in the area of the protection of Filipino women from domestic violence. In the process of addressing that issue, we discovered the whole phenomenon of mail-order brides—or bride migration to put it more in the context of our immigration policies. In that process we investigated, with the help of some male friends, introduction agencies involved in procuring Filipino women through the mail-order bride scheme. We faced a brick wall. We discovered that there are international syndicates involved, and we could not push it any further. We ended up with a large article about it being written by Rosemary West in the *Age*.

We moved on and stumbled upon the involvement of Australian entrepreneurs in the prostitution and trafficking of Filipino women, both here and in the Philippines. In 1995, for example, the Centre for Philippine Concerns—which I headed at that time—led a study tour against sex tourism in the Philippines. We had about 15 Australian women on that study tour. We spent two weeks in the Philippines. We had a member of the NSW parliament, Meredith Burgmann, head that delegation.

Again, we faced a brick wall. Right after we left the Philippines the then president, President Ramos, to demonstrate his willingness to address the issue, had a lot of the brothels and prostitution houses in Angeles raided. But they ended up only arresting the women and not the pimps. So we really welcome the fact that now the federal government is very interested in addressing the whole issue of prostitution and trafficking. Of course you are going to be limiting it to trafficking, but we are looking at it in a wider framework and considering that this is a big step that you are taking.

Over the years, when I moved on to general migrant women's issues, I received calls from the detention centre in Maribyrnong on individual cases of Filipino women who were arrested for trafficking and were immediately deported. At those times, I would get the call just two days

before the deportation, so how can you help? It was always a lost case. I even had a call from a Filipino woman when she was already in the Philippines. I asked her, 'How did you become trafficked?' and she said, 'We were offered to become waitresses in a restaurant.' She ended up in a caravan, having to serve the men that were given to her. As I said, she was deported and so we lost the information. That is my own experience.

I would like to give you a bit of background about the Victorian Immigrant and Refugee Women's Coalition that I chair. We are a state wide advocacy coalition for immigrant refugee women. We monitor government policies as they impact on our membership and we develop programs to assist immigrant refugee women's settlement in this country. We are, in fact, a recipient of the CSSS grant provided by the Department of Immigration and Multicultural and Indigenous Affairs. We have also been working with Kathleen Maltzahn from Project Respect on a number of projects that can help to build up support services for possibly trafficked women. In particular we have a joint project on empowering our community women with the skills to monitor and document human rights abuses within their communities here. We have about 58 women's groups in the state. We cover a lot of South-East Asian women too, as well as refugees from the Horn of Africa. We have a lot of Sri Lankan, Bangladeshi, Indian, Thai and Filipino women's groups. So we have the networks that will be able to support whatever program will be needed in the future to develop support for these women.

If I may, I will go straight to the items that I put in the submission. Our coalition definitely supports a framework where there will be a whole-of-government approach to trafficking that protects the women and the children. It would involve NGOs and local, state and federal government authorities. We deal very much here with local and state authorities and we have been developing the skills to work in partnerships, especially with local councils. I think the local councils will be crucial in addressing the issue, because they have the local networks. I am also involved in the ministerial advisory committee on the Prostitution Control Act in Victoria, and I can say that we face a blank wall at the moment. We are going to review our terms of reference because of what the federal government has come up with. We are realising that we need to broaden our terms of reference to catch up with the new policy around this issue. We are very limited: our terms of reference are just about monitoring legal brothels and the involvement of minors in prostitution; nothing in there talks about trafficking or illegal brothels.

Our women's coalition supports a full range of support services for trafficked women. In terms of accommodation, I thought we should probably look at a refuge style or a shelter style for these types of women, and that would not be difficult to do. There is a lot of expertise around. In terms of counselling, I think you should allow for the various organisations, especially led by Project Respect, to come up with and develop a model—not just tap into the existing services, because that is where we always make mistakes. Some of the existing services do not have the expertise in trafficking. We are very fortunate that now we have Project Respect, which actually worked from scratch to bring this up to the surface. We should tap into that expertise.

Our women's coalition is very much involved with AMES—Adult Multicultural Education Services—in delivering community based English classes, and skills, to a lot of Victorian women. That could be a model we could use. We are very willing to develop more, to come up with our desired model. Regarding immigration status, we believe that there should really be a special trafficked women's visa, similar perhaps to the WAR—women at risk—category. If we

could do something like that, it would be great. Again, we should have the ability to review the visa as we go along.

We also support the development of bilateral and multilateral initiatives to ensure that trafficked women who return to the sending countries are linked in with the support agencies in those countries, to protect them from re-victimisation. I can assure you that we have the networks overseas. The various women that I deal with in those women's groups would not be here if they did not have the knowledge and expertise back in their own countries. They were very willing—especially those women who had taken part in government before they came here—to participate in the process of change in their countries.

Lastly, we support the call for funding and other forms of support for specialist NGOs that are addressing trafficking in Australia. The leading example is Project Respect. We are a bit concerned that the resource package you are looking at might again end up in the hands of existing agencies—the large agencies that are always grabbing the money, because they are big. They pay people to write their tenders, and they are very well known. I hope you do not end up just putting your money into those.

**Mr KERR**—Sadly, it is not our money. We can make recommendations, but—

**Ms Marginson**—Yes, but it is government money. That is all the more important, because it is the people's money. That is all I have to say.

**CHAIR**—Thank you very much for your thoughtful presentation. We appreciate the input. How many people have you been in contact with that you would classify as trafficked women?

**Ms Marginson**—If we are looking at the individual cases that were presented to us, there were about 10, over more than a decade. They were all Filipino women.

**CHAIR**—Were their similarities in the basis on which they came here and the understandings that they had as to what they would be doing et cetera?

**Ms Marginson**—Some of them knew what they were on about, and some of them did not know. They were all very afraid to come here. They wanted to stay but they could not stay. The spectre of deportation was pretty scary for them.

**CHAIR**—Were they locked up when they were in the brothels, and was their freedom restricted?

**Ms Marginson**—They were not in brothels. Like the woman I spoke about, they were part of a package group that came in like tourists. How they all became separated I really do not know.

**CHAIR**—To what extent is there sharing of information on this issue among the various non-government organisations?

**Ms Marginson**—There is very little. At the time we were receiving that information, there was no Project Respect.

**CHAIR**—You seem to have quite a high regard for Project Respect, in this area.

**Ms Marginson**—That is because we started back in the 1990s, when Kathleen was very much involved in a street prostitution project in the Philippines. I too was particularly involved in that area.

**CHAIR**—From your knowledge, what percentage of the women involved in the sex trade here in Victoria would be from the Philippines?

**Ms Marginson**—A lot of the Philippines women that I know now were doing it as work; they are individually doing the sexual services. Most of the ‘package’ traffic actually involves other cultures—Thai, Chinese and the other ones that have figured in the exposes of Project Respect.

**CHAIR**—We are just trying to get a feel for which is the largest group. As I understand it, Thailand is probably No. 1 and then Korea and then Japan et cetera and the Philippines.

**Ms Marginson**—I think it has changed. The faces have changed. I would say perhaps 10 years ago there might have been a lot of Philippines women but there was no such work then. Most of the women I know now are doing it individually.

**CHAIR**—Why do you think there has been a change in the number of Philippines people involved?

**Ms Marginson**—I think it is because of the stricter policies in the Philippines as a result of the exposes around prostitution and trafficking in brides in the Philippines. There is a marked difference now even in the level of bride migration.

**CHAIR**—Yes, there is probably pretty tough checking, too.

**Ms Marginson**—Yes. It is also because the NGOs in the Philippines have become—

**CHAIR**—fairly active.

**Ms Marginson**—more active.

**Senator DENMAN**—In your experience, are there many Russian women as part of all of this?

**Ms Marginson**—I have been hearing about Russian women—

**Senator DENMAN**—I have, too. That is why I ask.

**Ms Marginson**—involved in bride migration. I have not got any information yet. I can probably start asking the various Russian organisations. But definitely there are a lot of brides coming through.

**CHAIR**—Has that reduced from the Philippines as well—that bride migration?

**Ms Marginson**—Come again?

**CHAIR**—Has the bride migration from the Philippines reduced?

**Ms Marginson**—It has reduced.

**CHAIR**—For the same reason: the publicity given to it?

**Ms Marginson**—Also, we had the federal government's policy of stopping bride migration through stricter measures.

**CHAIR**—Yes. In some ways, sexual servitude takes various forms and that is one of them.

**Ms Marginson**—That is why acting on it can really make a lot of changes.

**Senator DENMAN**—You made a comment in your presentation about shelters. Would you have specific shelters for these women or would you put them into shelters with Australian or other women who had been abused?

**Ms Marginson**—In Victoria, there is the so-called immigrant women's domestic violence service.

**Senator DENMAN**—We do not have one of those in Tasmania.

**Ms Marginson**—Specifically, that service is state wide and it addresses the various needs of victims that are of non-English speaking background. But it is about domestic violence. It would not be difficult to actually set up a separate service with the view that the clients will be of non-English speaking background.

**Senator DENMAN**—You would have a rate of demand here and probably in New South Wales to set up something separately but we would not have that in Tasmania. That is what I am thinking.

**Ms Marginson**—Yes.

**CHAIR**—We are very protected down there.

**Senator DENMAN**—Yes, we are.

**Ms Marginson**—Very few people are trafficked there.

**CHAIR**—Do you see bride migration as part of the sexual servitude trade?

**Ms Marginson**—I would not discount the possibility because the traffickers will use anything to get the women in. But that is again for investigation.



**CHAIR**—All right. Thank you very much. I appreciate it. You will be sent a copy of the *Hansard* to review and if there are minor changes you wish to make please let the committee know. Thank you very much for appearing today and for your submission.

[4.00 p.m.]

**D'ARCY, Ms Marg, Manager, Centre Against Sexual Assault House**

**CHALKE, Ms Maria, Coordinator, Victorian Sexual Assault Crisis Line, Centre Against Sexual Assault**

**CHAIR**—I call the committee to order. The committee is examining the Australian Crime Commission's response to the emerging trend of trafficking women for sexual servitude, with particular reference to, firstly, the Australian Crime Commission's work in establishing the extent of people trafficking in Australia for the purposes of sexual servitude; secondly, the Australian Crime Commission's relationship with the relevant state and other Commonwealth agencies; and, thirdly, the adequacy of the current legislative framework. The committee, when it reports, wishes to be able to provide a picture of the extent of the problem of sexual servitude in Australia and consider how the newly established Australian Crime Commission has responded in both the Commonwealth and state arenas. The committee would also like to indicate whether the current legislative framework is appropriate to the emerging issues. I welcome Marg D'Arcy and Maria Chalke, who are representing the Centre Against Sexual Assault House.

**Ms D'Arcy**—It is actually CASA House, which is a centre against sexual assault.

**CHAIR**—As you know, we prefer all evidence to be given in public. Should you at any time wish to go in camera please indicate this to the committee and we will proceed along those lines. I now ask you to make an initial presentation to the committee. We will then proceed to questions.

**Ms D'Arcy**—To put our submission in context, we do not work with women who have been trafficked and we have had very little contact with them. However, we do have a great deal of contact with women who are victims/survivors of sexual assault. We have contact with about 11,000 women a year who experience sexual assault. The reason that we made the submission to the inquiry is that we see women who are trafficked for sexual servitude as victims of sexual assault because they are forced to participate in sexual activities without giving their free consent. That is either because of the debt that they have to pay off or because they have been deceived into coming here.

I would like to endorse some of the things Melba said about Project Respect. We have recently been working with Project Respect with the idea of developing some protocols with them and the local and federal police around how we could provide immediate crisis intervention and support for women when they are first discovered—or whatever the word is. We have based that on the work that we already do where we have a model that is multitiered.

The first part of that model is crisis care and crisis intervention. We recognise the importance of that immediate response to women. These women will be suffering considerable trauma as victims/survivors of sexual assault and victims/ survivors of rape. There is a need for that very immediate support and for that support to be extremely good to help set them on the path to recovery from the trauma that they have experienced. We see that there is a need for immediate

support in terms of information about legal rights, about their immigration status and about what support is available to them, and there is obviously a need for appropriate interpreters.

There is a need for practical support in the form of accommodation. I also endorse what Melba has said about access to, first of all, a space that is a women only space—that is, a very safe space, where there are people around whom women can talk to, people who can provide them with support and who are experienced in dealing with trauma. That is absolutely critical, whether you set up a separate accommodation space specifically for that purpose or whether you try to utilise other spaces. It would certainly be very difficult in Victoria to use refuges that are set up for domestic violence victims, because there is not enough space in them anyway for women who are escaping from domestic violence.

**Ms Chalke**—And it is really a different issue.

**Ms D’Arcy**—It is quite a different issue, and their support needs are quite different. They need access to fairly immediate health care around STIs and general health and access to drug and alcohol services. They may need financial assistance, and they may need assistance to contact their families in their countries of origin. Obviously, they would need access to legal advice. They would also need the normal crisis intervention process that people go through, recognising the trauma they have experienced, validating that experience and helping them to normalise it and prepare for the sort of impact that it is going to have on them along the way.

The other thing that needs to be thought about is that, apart from that crisis intervention and support, they will also need ongoing follow-up support. If they return to their country of origin they are going to need support back there, but they will also need support here, either to prepare for that or to look at establishing a new life here. We see the support as being important at three stages: at the crisis and immediate intervention stage, at the follow-up stage and in the long term.

**Ms Chalke**—I will emphasise that we come in at the crisis intervention stage. We already have structures set up that can be utilised. They really do not have to be changed too much. The follow-up we would see as being through organisations such as Project Respect. To elaborate on what Marg said about appropriate interpreters, we know of experiences where women have used interpreters who have had prejudices or taken information back into the community. We recommend that a pool of appropriate interpreters be set up.

**CHAIR**—I have seen some of that already.

**Ms D’Arcy**—One of the reasons why the model of responding to sexual assault that we have in Victoria works so well is that we have a protocol with the police. It is a code of practice for the investigation of sexual offences. That protocol was agreed to by police, CASAs and forensic medical officers. We see it as being critical to any support for trafficked women that there is actually a protocol, or code of practice, between the police and the support agencies, at both the crisis stage and the follow-up stage.

**Ms Chalke**—We would hope for that to be developed with the Federal Police, as it is a federal issue.

**CHAIR**—Have you seen any of these women at your refuges?

**Ms D'Arcy**—We do not actually have refuges. We provide counselling, support and intervention by telephone and face to face, and the crisis care that we provide is provided, generally, in hospitals. For instance, at the Royal Women's Hospital we have designated rooms, including counselling rooms and an examination room. We do not provide the accommodation ourselves.

**CHAIR**—So that is through a separate organisation.

**Ms D'Arcy**—As I said when we started, we have had very little contact with trafficked women. I think that is because the link has not been made between trafficking and sexual assault. We have only recently begun to have discussions with Project Respect and started to think about developing protocols with both the local and federal police.

**CHAIR**—There certainly seemed to be a link.

**Ms D'Arcy**—Yes, a very clear link.

**CHAIR**—By the time they have paid off their bond, the extent of their sexual servitude is pretty extensive.

**Ms Chalke**—Yes, absolutely.

**Senator DENMAN**—How do the women find you—if they have limited English?

**Ms D'Arcy**—They find us in a variety of ways. They might have had contact with an agency that supports them in the language that they speak and, through them, they make contact with us. They might make contact with the police and, because of the code of practice we have with the police, the police bring them to our service. The code of practice we have with the police says that within two hours of any report they receive of a recent sexual assault they will bring that person to a crisis care unit. That is staffed by the Centre Against Sexual Assault. So they might find us through the police. We also use interpreters extensively. One of the advantages of being based at the Royal Women's Hospital is that we have access to its language services department, which has a range of interpreters.

**Senator DENMAN**—Hypothetically, if it is a domestic violence issue involving a migrant woman and they come to you, how are they cared for after that? Are they sent back into that situation?

**Ms D'Arcy**—Firstly, we would work on the woman's choice. If her choice was to go back into that situation—and sometimes it is—we would support her in doing that. But we would ensure that she knew where to contact us for ongoing support. Generally, what we would do in crisis care is work with the woman about what it was she wanted to do and then work with her to have those choices enacted. If part of what she needed was access to crisis accommodation, we would work with her to access it.

**CHAIR**—How many people do you have on your staff?

**Ms D’Arcy**—At CASA House, we have nine counsellor-advocates in total. On the sexual assault crisis line there are six counsellor-advocates.

**CHAIR**—How are you funded?

**Ms D’Arcy**—Through the family and community support branch of the Department of Human Services—

**CHAIR**—Through the state?

**Ms D’Arcy**—Yes. I should say that we are one of 14 centres against sexual assault. The sexual assault crisis line is a statewide service but CASA House is one of 14 services. There are 14 CASAs in Victoria providing similar services.

**CHAIR**—Project Respect would also be able to provide input, but I am thinking that, for the women involved, this is going to take place over several months, so it is not so much a sudden crisis situation.

**Ms D’Arcy**—It would be fairly much a crisis situation at the time the women are discovered, detected or whatever—when they are removed from the situation of servitude. That is what I would describe as the immediate crisis situation. While on the one hand it is a liberation, if you like, from the servitude, on the other hand it is going to raise for them all the issues about how they are going to survive, what it means for them in terms of being able to stay in Australia and how they then start to deal with the trauma. While they were in that situation they would have used a lot of strategies to block out the trauma that they had been living with on a daily basis. But being removed from the situation brings the trauma to the fore, so I would see that as a point of crisis.

**CHAIR**—It is partly an economic crisis too.

**Ms D’Arcy**—It is that as well. You are absolutely right. How will they survive? How will they eat? There is a whole range of things.

**CHAIR**—Especially if there are parents depending on them, which is the situation in Sydney.

**Ms D’Arcy**—Yes, or children.

**Ms Chalke**—Because we are a sort of pivotal point—because we service the whole state—we can refer them to all the other services. We have that information and we can make sure they are linked to them to cover all those needs.

**CHAIR**—It is a very worthwhile service.

**Ms D’Arcy**—We have been thinking about talking to the detention centre, because we already work, on occasions, with women who are in prison, for instance. We provide them with support and intervention. But obviously we want to avoid a situation of those women being in detention centres.

**CHAIR**—That is another issue. I have no comment on that at this point.

**Ms Chalke**—I would like to add that with some of the domestic violence services women need a health care card or have to have permanent residency. So that is the other reason to support a separate refuge, I would think.

**CHAIR**—That is a good point. Thank you for your evidence today. We appreciate your input and the terrific work you are doing. We may come back to you for further advice. I know that, according to our program, we are out of time, but it may be possible to extend the hearing to hear the witness from the Scarlet Alliance.

**Mr SERCOMBE**—I move that our time be extended by 15 minutes.

**Senator DENMAN**—I second that.

**CHAIR**—We will extend our time by 15 minutes.

[4.16 p.m.]

**FUTOL, Ms Julie, Scarlet Alliance and Inner South Community Health Service, Resourcing Health and Education Program**

**CHAIR**—I welcome Ms Futol here today. I saw you sitting at the back earlier, so I know that you know what this committee is about. If at any stage you wish to go in camera, please let us know. Do you have any comments to make on the capacity in which you appear?

**Ms Futol**—I am the international sex work liaison spokesperson for Scarlet Alliance and also a community health worker for the Inner South Community Health Service.

**CHAIR**—I invite you now to make an opening statement and we will follow that with questions.

**Ms Futol**—Firstly, I would like to point out that I came here quite unprepared. I am aware that the committee has read all the submissions received thus far, and the Scarlet Alliance has made a submission. I am hoping that this opportunity will allow me to answer some questions.

**CHAIR**—Perhaps you could outline to us what the Scarlet Alliance does.

**Ms Futol**—The Scarlet Alliance was formed in the late eighties. It consists of programs within each state and territory. It has a mandate to work with the sex industries. So, whilst it is an unfunded peak body, it does receive minimal funding from another peak body—the Australian Federation of AIDS Organisations. The Scarlet Alliance, in one sense, speaks as the peak Australian body for sex worker organisations and programs. It also liaisons with AFAO in terms of national HIV-AIDS strategies.

**CHAIR**—So it speaks on behalf of the sex workers?

**Ms Futol**—That is right.

**Senator McGAURAN**—Not the organisations or the brothels themselves?

**CHAIR**—Is it the owners of the brothels or the workers in them whom the Scarlet Alliance represents?

**Ms Futol**—I guess that is a bit of a complicated question. In terms of the history of sex worker organisations in this country, their emergence was very much at a grassroots level and peer based. So, in that sense, the Scarlet Alliance was formed by people from within the industry itself—even though now, in 2003, there is a mixture of sex worker programs and sex worker organisations working with the sex industries in the states and territories.

**CHAIR**—Could you tell us a little about the experience of those contract women? If you represent them on a broad basis, perhaps you could tell us a little about the situation and your knowledge of it.

**Ms Futol**—For me personally, having had the opportunity to represent the Scarlet Alliance as their spokesperson, I am still quite hesitant to speak for these women. When I am given the opportunity, I like to problematise the issues being discussed. On the other hand, in my other capacity as an outreach worker going out to the sex industries in Melbourne, my experience with them has been to view them more as transnational citizens in a world that is particularly globalised. What I mean by that is that it fascinates me how they are construed as victims. When people speak of trafficked women they are often talking about South-East Asian women specifically. I guess that has to do more with the fact that you can see them—they are more obvious in the local Anglo-Saxon community that we have here in Australia.

One of the senators asked a question earlier concerning Russian women. I believe that they are very much present. However, by virtue of their racial make-up, if you like, they tend to be much more difficult to discover. When I meet them, and I do often meet them—every week, I suppose—I do not specifically say, ‘Hey, are you a trafficked victim?’ It is often based on my having worked in Sydney with the Sex Workers Outreach Project there. It is about really listening to what they say and do not say. A lot of them will say: ‘Yeah, I’ve been here for two months. I’ve been to Adelaide. I’ve been to Perth.’ It will take me a couple of times of meeting with them. I may meet them again a couple of months later and, in a few instances, some years later when they have come back into the country under the same circumstances.

Sometimes they are students with proper legal visas. But let me problematise that point: in Sydney the Scarlet Alliance tried to do some work with DIMIA one year. The issue came up about overseas students and how many hours they can work legally while they are here on that visa. There was a grey area with regard to whether you count 12-hour shifts as a block or per client and per booking. To the committee today that might sound a bit strange, but it is very important in the sense that, despite the concern that we have as a civilised nation to deal with this issue, we seem to be shaking the tree and really disregarding those who fall off that tree. While the attention that is being given to the overall issue is fantastic—and it is being spoken about now a bit more readily—I really worry about my capacity and the capacity of the various other project workers in each state and territory to be able to continue to work with these women.

One point I heard today is the argument that says, ‘Let’s utilise current services.’ It concerns me that what you are talking about predominantly is the community sector. Yes, there is a very limited capacity within the community sector but, after barely three years, I have discovered that the sector itself is in crisis. There is a \$20 million package, and my concern is how much of that really will go towards assisting victims or contract workers who have self-trafficked and found themselves in a particular difficulty one way or another. Does the sector have the resources to deal with these suggestions? I think some of the speakers today have more or less said: ‘No, we don’t have that capacity. We need more funding.’ I would like to point out, before I forget, that my experience in New South Wales when I worked for SWOP was that they had a very good understanding—

**CHAIR**—SWOP?

**Ms Futol**—SWOP is an acronym for Sex Workers Outreach Project, a state funded program under the auspices of the AIDS Council of New South Wales. My experience with them, having gone into the non-English-speaking background brothels and parlours in New South Wales, was



that the relationships they have within the community were very good—namely, because the program itself is the longest standing NESB project in the whole of the country and has thus established meaningful connections within the communities. There is a difference there because, as a sex worker organisation, they are utilising people from within the communities themselves, as opposed to health educators like me whose agenda is to do with public health—it is very much to do with education about and prevention of STIs and blood-borne viruses. Personally I would prefer to be advocating those issues a bit more openly, hence my involvement with Scarlet Alliance which lets me do so.

**Senator McGAURAN**—So, from what you have just said, the system of contract workers within the industry is working and perhaps the sexual servitude aspect of it is minuscule; is that basically what you are trying to tell us?

**Ms Futol**—Yes. I say that quite easily because I think, when it comes to trafficking—and, whilst I am meant to be this international sex-worker liaison spokesperson, that does not mean I am an expert—it is an issue, a phenomenon, that is very much to do with globalisation. And if you are talking about globalisation you cannot come at it from a legal framework, you cannot come at it from a public health protection framework and you cannot come at it from an antitrafficking abolitionist feminist or developmental feminist framework; it needs to take into account all those things.

I do not believe that any government thus far has been able to fully grasp that, although you are beginning to see it. What we are beginning to see is that the issues are being collapsed more towards border protection stuff. If I think about that \$20 million, I can think, ‘Okay, that’s government public money; a significant amount of it will go towards training the Australian Federal Police in their capacity to share intelligence with other sending countries.’ And yet I do not think that can stop the trafficking. This trafficking that we are trying to stop is more about people who are trying to in some way participate in this globalised economy, who are finding themselves with limited capacities and who are therefore willing to traffic themselves under all sorts of conditions.

**CHAIR**—I think you were here when your organisation was criticised by another witness for advocating that working holiday programs be established—I think it was that aspect they were criticising—but clearly we would disagree.

**Ms Futol**—It almost does sound like a naive idea. On the other hand, if it is meant to be a legal industry and if it is at all possible for one second to remove the moral discourses to do with this industry then that suggestion very much parallels other industries that can afford that, like teaching. You see the advertisement in the *Australian* every weekend: ‘Come to London, teachers; come to London, social workers—and work here for a limited period of time if you like.’ I have just had a go at the Scarlet Alliance submission myself! It is naive, but to me it speaks of challenging this supposedly legal industry that we have. At the same time, it is not about the legalisation of any industry; it is about the containment of a particular industry.

Certainly in Victoria, 10 years into the Prostitution Control Act, that is exactly what we were experiencing, but nobody is yet making the argument that the government’s attempts to regulate and control this apparently legalised industry are somehow failing. Why is that? We have had various arguments from people today as to why that is. I was certainly very pleased to hear

Project Respect say something to the effect of ‘trafficking is happening in the legal industry’, which will be very interesting for the legal industry to respond to.

**CHAIR**—Have you had any evidence of violence being used against girls in the industry for compliance and to ensure that they do what they are told?

**Ms Futol**—Anecdotally, yes, it certainly does happen. I heard about it when I was working in New South Wales with SWOP. However, how it is dealt with by the women themselves unfortunately does not tend to emerge during these inquiries that we have. What I mean by that is that they do find ways to get out, and maybe that is because in New South Wales, like I said, you have had an NESB project for nearly a decade and the communities themselves, regardless of how recently arrived they are, know exactly how to source the relevant project workers, such as NESB multicultural health promotion workers at the Sydney sexual health clinic. Ten years worth of work between two government funded bodies has somehow been able to advocate for the local communities and not just deal with the government’s agenda in terms of public health protection, which are two completely different sorts of work.

**Senator DENMAN**—Are the sex workers, the brothel owners or both of them represented on the AIDS councils?

**Ms Futol**—No. I think we are up to our fifth national HIV-AIDS strategy. I cannot help but feel that people who still believe in the strategies are beginning to feel very much like staying silent. The answer to the question is: no, there are not any, unfortunately—except perhaps for when there are interdepartmental meetings to do with STIs or blood borne viruses.

**CHAIR**—We appreciate the time you have spent with us today. We will be sending you a copy of the *Hansard*. Thank you for appearing before us today.

**Committee adjourned at 4.33 p.m.**