People trafficking, forced marriage and slavery offences

The Crimes Legislation Amendments (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012 was introduced into the House of Representatives on 30 May 2012. This Flagpost is a skeleton of a larger project.

If passed in its current form, this Bill will:

- expand the definition of slavery to include physical and psychological threats, coercion and deception
- expand the servitude and exploitation offences to not be limited to sexual servitude
- create new offences for aggravated slavery-like offences
- increase the penalties for debt bondage offences
- create new offences for forced marriage
- create new offences for harbouring or receiving a trafficking or slavery victim

The Bill is the culmination of extensive reports, international activities, roundtables and the Government seeking to fulfill its commitment combating trafficking in all its forms and to ensuring that Australia’s anti-trafficking strategy remains relevant and responsive to emerging trends and issues.

A comprehensive Bills Digest will be prepared by the Parliamentary Library and will be available on the Library’s website.

Most of the amendments will be made to the provisions in the Criminal Code Act 1995 (Cth) (the Code). This will include the new definitions section 270.1A that defines terms such as coercion and threat. Further, section 270.4 will define servitude.

The servitude and exploitation amendments will broaden the definitions of existing terms such as exploitation to better reflect international obligations and standards.

It is proposed that aggravated slavery-like offences (servitude, forced labour, deceptive recruiting for labour, forced marriage) are explicitly prescribed in the Code. Proposed section 270.8 will do this.

The Bill will define the term forced marriage and will create two new offences relating to forced marriage and will define the term forced marriage. This will help to distinguish between arranged marriages and forced marriages.

Three new forced labour offences are created by this Bill. It will be an offence to cause a person to enter into or remain in forced labour (proposed subsection 270.6A(1)), to conduct a business involving
forced labour (Proposed subsection 270.6A (2) and deceptive recruiting for labour or services (proposed section 270.7).

The Bill proposes a change to the definition of ‘forced labour’ to include an objective test so a person will be considered a victim of forced labour if, because of coercion, threat or deception, a reasonable person in the position of the victim would not consider themselves to be able to stop providing their labour or leave the place where they are working.

Proposed section 271.7A will create a new offence of harbouring a victim of trafficking. This will comply with the United Nations Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations Convention against Transnational Organised Crime (Trafficking Protocol)

The existing aggravated offence of debt bondage will have its penalty increased from 2 years to 7 years.

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