



The Senate Legal and Constitutional Affairs Legislation Committee

**Inquiry into the Modern Slavery
Amendment (Anti-Slavery
Commissioner) Bill 2023**



Background: Destiny Rescue

Destiny Rescue is an international non-profit organisation whose mission is to rescue children from sexual exploitation (including online exploitation facilitated by cyber criminals) and help them stay free.

Founded in 2001 and operating for over 22 years, Destiny Rescue has rescued increasing numbers of victims yearly since 2011 – and has now rescued over 14,000 survivors.

Destiny Rescue focuses on the child sex trafficking aspect of modern slavery. We work with governments and partner NGOs and collaborate with local law enforcement agencies to assist in removing children from harm and supporting their recovery and reintegration.

Destiny Rescue operates in five regions across Asia, Africa and Latin America, partnering with law enforcement, governments, civil society organisations and NGOs that bring local expertise and cultural understanding to the fight against exploitation.

Policy contributions

Destiny Rescue is contributing to the development of policy to counter child sexual exploitation (including trafficked children) and to assist with child rescue. In 2023, Destiny Rescue made submissions to:

- the Attorney-General's Department's (AGD) targeted review of Divisions 270 and 271 of the *Criminal Code Act 1995* (whose findings have been released);
- the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) current inquiry into *Tourism and International Education*;
- the Joint Parliamentary Law Enforcement Committee's inquiry into *Law Enforcement Capability in relation to Child Exploitation* (which recently reported);
- the Joint Standing Committee on Foreign Affairs, Defence and Trade (JSCFADT) *Inquiry into the rights of women and children* (which recently reported); and
- the Joint Parliamentary Law Enforcement Committee's current inquiry into *Law Enforcement Capability to respond to Cybercrime*.



[Click here](#) to view the 2022 Destiny Rescue Annual Report.

Comments on the Bill

Support for establishment of the Commissioner

Destiny Rescue welcomes the creation of an independent Australian Anti-Slavery Commissioner (the Commissioner), as proposed in the *Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023* (the Bill).

Independence

Destiny Rescue supports the discretion given to the Commissioner in performing their functions; they are fully independent and not subject to direction from anyone when doing so.

Destiny Rescue notes that the Independent Anti-slavery Commissioner (IASC) in the United Kingdom is required to obtain the Minister's approval for their Strategic Plan.¹ The Bill contains no such restriction to the Commissioner's independence in Australia, and the Government is to be commended for taking this approach.

Strategic Plan

Destiny Rescue supports the Strategic Plan provisions of the Bill.

The 2023 *Trafficking in Persons Report* (TIP 2023) commended Australia (TIP 2023: Country Report, Australia) for fully meeting the minimum standards for the elimination of trafficking and for continuing to demonstrate "... serious and sustained efforts during the reporting period ...".²

However, TIP 2023 outlined a range of recommendations Australia can take to further strengthen its effectiveness in combating trafficking in persons. It is recommended that the Commissioner address these recommendations in their first Strategic Plan.

Destiny Rescue believes that recent Commonwealth Parliamentary Inquiry reports provide insights on critical priorities that the Commissioner may wish to incorporate

into their first Strategic Plan. These include:

- the *Parliamentary Joint Committee on Law Enforcement* (the Joint Committee) inquiry into law enforcement capabilities in relation to child exploitation; and
- the *Joint Standing Committee on Foreign Affairs, Defence and Trade* (JSCFADT) inquiry into the rights of women and children.

Education and Awareness

Destiny Rescue welcomes the Commissioner's function to support, encourage and conduct education and community awareness initiatives relating to modern slavery.

Destiny Rescue also supports the Commissioner's responsibility to have regard to Australia's international obligations and appreciates that the Commissioner's remit covers modern slavery abroad (including in ASEAN).

Australia has a history of funding child-safe tourism campaigns in ASEAN, before establishing the ASEAN-Australia Counter Trafficking (ASEAN-ACT) Initiative. This history was summarised in Destiny Rescue's 2023-24 *Pre-budget submission*.

The most recent Australian Government-funded study on child sex exploitation in the tourism industry in ASEAN³ recommended that tourists (including Australian tourists) be provided with:

1. More information about how children (including trafficked children) are vulnerable to child abuse and exploitation in tourism; and
2. How to be a child-safe traveller.⁴

Destiny Rescue considers that one option for implementing these recommendations would be to fund a new *Safe Children, Safe Traveller* campaign.

¹ Subsection 42(1) of the Modern Slavery Act 2015 (UK).

² US State Dept, TIP 2023, website Australia report.

³ The Child Safe Traveller (World Vision, 2013).

⁴ The Child Safe Traveller (World Vision, 2013) pg 25.

Recommendation: Destiny Rescue recommends that the Commissioner support such a campaign as a priority within their first Strategic Plan.

Dissemination of information

Destiny Rescue supports the Commissioner's function to collect, analyse, interpret and disseminate information relating to modern slavery.

Destiny Rescue notes that the latest data on the incidence of modern slavery in Australia, as cited in the Explanatory Memorandum for the Bill, relates to 2015-2016. Destiny Rescue notes the collection and dissemination of more current data will likely be a priority for the Commissioner.

Advocacy for continuous improvement

Destiny Rescue welcomes the function of the Commissioner to advocate to the Commonwealth Government for continuous improvement in modern slavery policy and practice.

Modern Slavery policy progress

Destiny Rescue acknowledges the Government's policy initiatives as set out in its *Tackling Modern Slavery* package.

The *First Commonwealth Action Plan to Prevent and Respond to Child Sexual Abuse* (the Plan) sets out the Government's priorities and actions to prevent and mitigate the challenges of child sexual abuse by Australia-based perpetrators, including human trafficking and modern slavery.

Positive actions under the Plan during 2023 include:

- the ongoing funding of the ASEAN-ACT initiative;
- the release by the Attorney-General's Department (AGD) of the findings of the targeted review of Divisions 270 and 271 of the *Criminal Code Act 1995* (the Code), (the Findings Report); and
- the release of the findings of the McMillan review of the *Modern Slavery Act* (June 2023).

There are a number of policy dimensions to Australia's legislative framework for dealing with the human trafficking components of modern slavery, which will

be of interest to the Commissioner. These threads run through various provisions of the Code and the *Modern Slavery Act 2018*.

Criminal Code Act 1995

Destiny Rescue provided a response to the AGD Targeted Review of Divisions 270 and 271 of the Code regarding slavery, slavery-like offences and trafficking offences (March 2023).

Our submission identified several possible gaps in the legislative tools available to law enforcement to investigate and prosecute offenders in cases of child trafficking for sexual exploitation.

Modern Slavery Act 2018 review

In the context of the recent review of the *Modern Slavery Act 2018*, Destiny Rescue believes that the definition of modern slavery should be extended to cover the sexual exploitation of children specifically.

This would remove a gap in the legislative provisions of the modern slavery laws in Australia.

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