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Inquiry into the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill 2012

Submission of Liberty Victoria to the Senate Standing Committee on Legal and Constitutional Affairs

Liberty Victoria is one of Australia's leading human rights and civil liberties organisations. It is concerned with the protection and promotion of civil liberties throughout Australia. As such, Liberty is actively involved in the development and revision of Australia's laws and systems of government. Further information on our activities may be found at www.libertyvictoria.org.au.

Liberty Victoria has long been concerned with the welfare of those who are subject to such basic human rights violations as those who are forced into marriage, slavery or other forms of trafficking. It welcomes the opportunity to submit to the Senate Legal and Constitutional Affairs Committee Inquiry into the *Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Bill* 2012.

Liberty Victoria strongly supports the adoption of the Bill and its passage into law. We especially welcome the introduction and reinforcement of legal protection within Australia against cruel, inhuman or degrading treatment, especially in light of the government's commendable introduction of complementary protection in Australia from such treatment elsewhere.

As to prosecution under 270.7A (forced marriage), Liberty Victoria notes that its implementation must be exercised against Australian standards, and not those of the place from which the person forced into marriage has come. For example, one could imagine that an imperfect dowry payment may be regarded as deception (within the meaning given to that term in s 271.1) such as to fulfil the element of the offence requiring that the marriage result from deception. Moreover (and somewhat circuitously), that could also be a basis for a claim that there was not full consent. Such an interpretation would undermine the protection this Bill intends to give.

Should you wish to discuss any aspect of this submission further please contact through the Liberty Victoria office on 9670 6422 or info@libertyvictoria.org.au.