Question 1 (Senator Humphries, p. 35 of *Hansard*)

Senator HUMPHRIES: When so many victims have been identified, why have so few convictions been recorded?

Ms Hinchcliffe: I would point out, first, that those numbers relate to defendants who have been convicted. I do not have numbers in relation to how many victims they involve, and there might be a difference between the number of victims that were identified by the AFP in their original investigation and the number of victims that were then willing to proceed through prosecution. So there were several phases where the numbers could have become smaller. But, as I said, I am talking here about the number of defendants who have been convicted, not the number of victims.

Senator HUMPHRIES: Yes. Could you take on notice how many of those 196 victims are represented by those 15 convictions that you referred to.

Ms Hinchcliffe: I will take that on notice and see whether I can pull out that number from the database that keeps our statistics. I might not be able to get you a number for that, but what I might be able to get you instead is an indication of the number of charges, which may give you a sense of the number of victims. But I will take that on notice and see what we can do.

The Office of the Commonwealth Director of Public Prosecutions (CDPP) is responsible for the prosecution of criminal offences against the laws of the Commonwealth. The CDPP can only prosecute when there has been an investigation by an investigation agency and a referral of a brief of evidence by that investigation agency to the CDPP.

The decision to initiate investigative action and the subsequent conduct of the investigation in relation to alleged criminal conduct rests with investigation agencies. The decision to refer a matter for prosecution is also a matter for the investigation agency concerned.

It is likely that not all victims initially identified by the AFP are included in briefs of evidence referred to the CDPP. Reasons for this may include that there is insufficient evidence and the AFP does not refer the matter to the CDPP or that victims are unwilling to give evidence and the matter cannot be further pursued.

The CDPP has not recorded on its database for the entirety of the time that Division 270 and 271 of the *Criminal Code* have been in operation the number of victims that relate to each prosecution. There can also be changes over the course of a prosecution in relation to how many victims the charges prosecuted relate to, for example, if a victim no longer wishes to give evidence and the charges in relation to that victim are discontinued while other charges remain before the courts.

With this in mind, in relation to the 15 defendants convicted of offences under Division 270 and 271, there were approximately 37 victims.

Question 2 (Senator Humphries, p. 35 of *Hansard*)

Senator HUMPHRIES: We still have the question in front of us about the extent we need to beef-up the law in order to capture people who are doing the wrong thing now but who are escaping the arm of justice, because of the way the law is drafted. To help us answer that question, I would like you, perhaps Ms Hinchcliffe, to take on notice the task of putting in front of us some cases that the DPP has handled. Perhaps the AFP could also present some cases where you can describe to us the factual situations but tell us where the law broke down, where the state of the law was insufficient to secure a conviction when one ought to have been secured.

If there were a case of a witness who suddenly went cold or disappeared or went back to China or somewhere, that does not help me very much. I want to know of cases that have been considered, or have actually been commenced, which have failed because of a flaw in the state of the law. I am looking here at the evidence of people like the Scarlet Alliance who say that there are already laws to deal with slavery and slavery-like offences. The prosecution brought under those provisions may claim that there is not any evidence that there is a deficiency in the law at the moment. I want you to prove them wrong. That is what I am asking you to do.

Ms Hincliffe: I am happy to take that on notice. Often there is a mixture of the issues I have just described in terms of the evidence that is available and the complexity of the offences as they are

We have considered the prosecutions under Division 270 and 271 of the *Criminal Code* that were discontinued by the CDPP to determine whether there were any cases that may be of assistance in this regard. The majority of these matters involved a retrial and victims were unwilling to provide evidence again or there were issues with the victims' evidence or credibility. In one matter, whilst there was evidence of harsh employment conditions, there was insufficient evidence to establish sexual servitude.

The CDPP notes that the AFP is also providing information in response to this question.