

DATE

**ASEAN – ACT Webinar Series 17**  
**Access to Compensation**  
**from theory to practice**

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A PROJECT BY:





SPECIALIST LEGAL CENTRE SUPPORTING SURVIVORS AND WORKING TO END MODERN SLAVERY IN AUSTRALIA SINCE 2003.



FREE LEGAL & MIGRATION HELP FOR PEOPLE EXPERIENCING OR AT-RISK OF MODERN SLAVERY IN AUSTRALIA.

RESEARCH & ADVOCACY INFORMED BY THE EXPERIENCES OF OUR CLIENTS.



EDUCATION & TRAINING.



ANTI-SLAVERY AUSTRALIA

# What is modern slavery & trafficking

In the 2021-22 financial year, the AFP received 294 reports of modern slavery and human trafficking.



Over 1,900 people in Australia are victims of modern slavery

## Slavery in Australia

Modern slavery happens here in Australia.



Only 1 in 5 victims are detected in Australia

New: The 2023 Global Slavery Index estimates that on any given day in 2021, there were 41,000 individuals living in modern slavery in Australia.

1670 modern slavery cases

referred to the Australian Federal Police



31 offenders convicted

\*Between 2004 - 2021

# What is modern slavery & trafficking



# Tom's Story



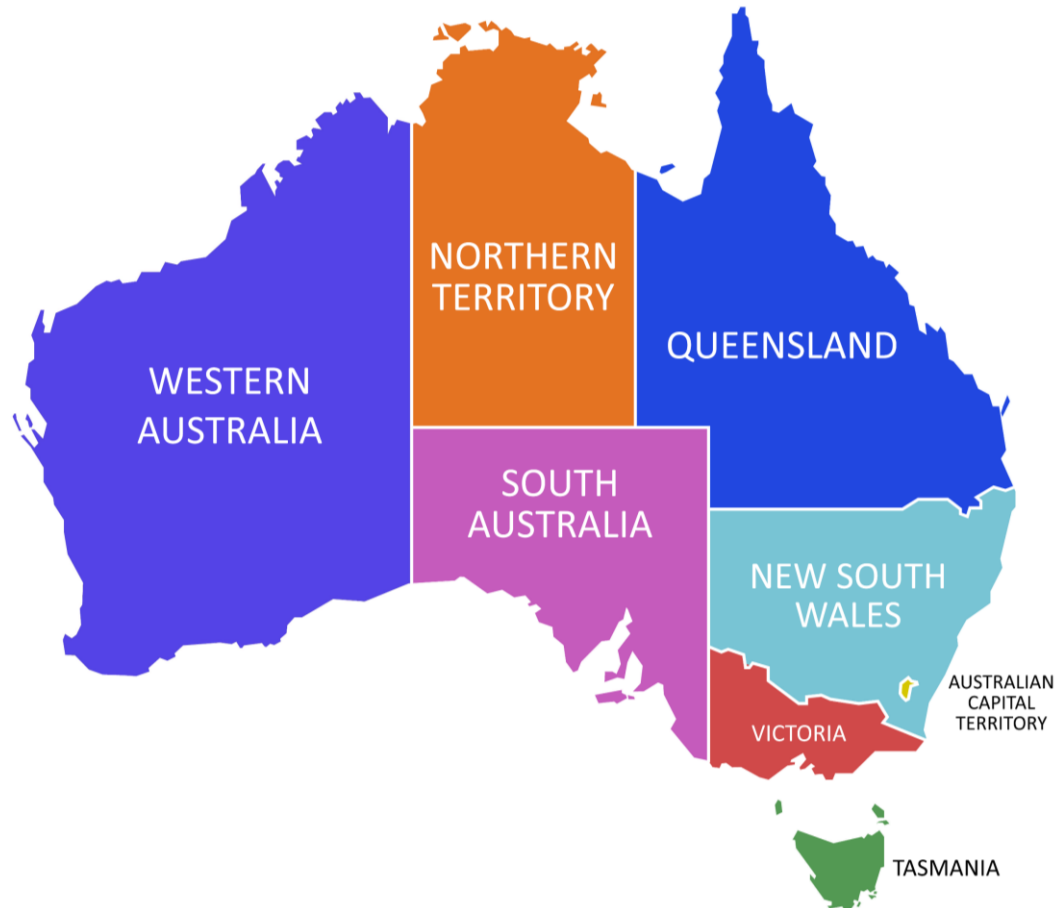
# Barriers to justice - compensation

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- Victims don't self-identify
- Government officers and frontline workers may not have the capacity to identify victims
- Lack of information about legal rights and entitlements
- Linguistic and cultural isolation
- Fear of authorities and lawyers
- Insufficient supports and provision of material assistance
- Lack of legal advice services
- Legal barriers – lack of consistent state-based compensation schemes

# Why a National Scheme?

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The Commonwealth of Australia is a federation of six states (NSW, Victoria, South Australia, Western Australia & Tasmania) and two self-governing territories (Northern Territory and the Australian Capital Territory).

The national government is the Australian Government also known as the Commonwealth Government.

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# Why a National Scheme?

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Australia's international commitments to effective remedy.

1. UN Convention against Transnational Organized Crime and its Palermo Protocol.
2. International Covenant on Civil and Political Rights.
3. The Convention on the Elimination of all Forms of Discrimination against Women.
4. The Convention against Torture.
5. The Convention on the Prevention and Punishment of the Crime of Genocide.
6. The Forced Labour Protocol.



# Why a National Scheme?

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Effective remedy for survivors of modern slavery serves the following functions.

1. Provides financial security to reduce vulnerability and the risk of re-trafficking.
2. Enables survivors to better re-integrate into communities.
3. Provides acknowledgement of the harm that survivors have suffered. (Restorative)
4. May contribute to the punishment of traffickers.

# Why a National Scheme?

## HYPOTHETICAL:

	Time Limit	Amount	Descriptor of Harm
<b>New South Wales</b>	Two Years	\$45,000	Act of violence
<b>Queensland</b>	Three Years	\$75,000	Act of violence
<b>South Australia</b>	Three Years	\$100,000	Offence
<b>Tasmania</b>	Three Years	\$50,000	Offence
<b>Victoria</b>	Two Years	\$70,000	Offence
<b>Western Australia</b>	Three Years	\$75,000	Proved offence or an alleged offence
<b>Australian Capital Territory</b>	Three Years	\$54,174	Act of violence
<b>Northern Territory</b>	Two Years	\$40,000	compensable violent act or violent act

As of 2021\*

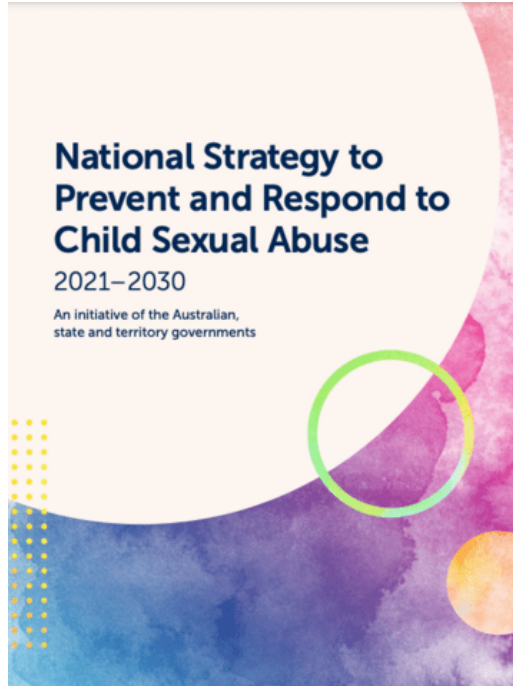
# Proposed Scheme Structure

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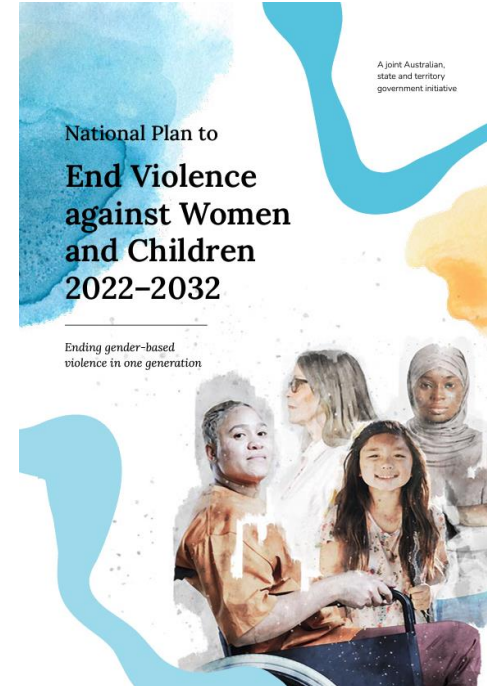
## Key principles of the proposed scheme

- Victim-centric.
- Consistent with international commitments.
- De-linking compensation from co-operation with criminal justice system.
- De-linking compensation with immigration outcomes / visa status.
- Determining body – government agency, conduct has occurred, claimant is a victim who has suffered harm + is able to provide sufficient evidence.
- Review of decisions
- Funded
- Recovery
- Visa options
- Social security

# Linked Government Priorities



***National Strategy to Prevent and Respond to Child Sexual Abuse 2021-2030***



***National Plan to End Violence against Women and Children 2022-2032***



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