

EXPLANATORY NOTES

CRIMINAL CODE AMENDMENT (TRAFFICKING IN PERSONS OFFENCES) BILL 2004

EXPOSURE DRAFT

BACKGROUND

What is trafficking in persons?

The international definition of **trafficking in persons** is contained in the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* ('the Trafficking Protocol'), supplementing the *United Nations Convention against Transnational Organized Crime*. Article 3(a) of the Trafficking Protocol defines **trafficking in persons** as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Article 3(a) of the Trafficking Protocol states further that:

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

The Australian Government will ratify the Trafficking Protocol following the introduction of the new offences proposed in the Bill.

Existing federal laws which cover trafficking in persons

Australia has already criminalised many aspects of people trafficking. Existing federal offences cover most of the activity described in the Trafficking Protocol definition of **trafficking in persons**. These offences carry severe penalties.

- Slavery

Section 270.3 of the *Criminal Code* makes it an offence to possess a slave or exercise over a slave any other powers attaching to the right of ownership, to engage in slave trading, or enter into any commercial transaction involving a slave. It is also an offence to exercise control or direction over, or to provide finance for, slave trading or a commercial transaction involving a slave. The maximum penalty for these offences is 25 years imprisonment.

Further offences prohibit a person entering into any commercial transaction involving a slave and exercising control or direction over, or providing finance for, slave trading or a commercial transaction involving a slave, where the person is reckless as to whether the transaction or act involves slavery, a slave or slave trading. The maximum penalty for these offences is 17 years imprisonment

Slavery is defined as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person. '*Slave trading*' is defined to include capturing, transporting or disposing of a person with the intention of reducing the person to slavery, as well as purchasing or selling a slave.

- Sexual servitude

Section 270.6 of the *Criminal Code* makes it an offence for a person to cause another person to enter into or remain in sexual servitude where the person intends to cause, or is reckless as to causing, that sexual servitude. The offence is punishable by a maximum penalty of 15 years imprisonment. Where the offence is committed against a person under 18, the maximum penalty is 19 years imprisonment.

Sexual servitude is defined as the condition of a person who provides sexual services and who, because of the use of force or threats, is not free to cease providing sexual services, or is not free to leave the place or area where the person provides sexual services.

Under the sexual servitude offence, **threat** is very broadly defined to include a threat of force, a threat to cause a person's deportation or a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.

The threat does not necessarily have to be directed towards the victim of the sexual servitude offence; it could be directed towards a third person (such as a family member or friend).

To establish the existence of the condition of sexual servitude, the prosecution has only to demonstrate that, because of the use of force or threats, the victim is not free to cease providing sexual services or is not free to leave the place or area where he or she provides sexual services.

- Deceptive recruiting

Section 270.7 of the *Criminal Code* makes it an offence for a person to deceive a second person about the fact that their employment or other engagement will involve the provision of sexual services, where the first person intends to induce that second person into an engagement to provide sexual services.

This offence is punishable by a maximum penalty of 7 years imprisonment. Where the offence is committed against a person under 18, the maximum penalty is 9 years imprisonment.

- People smuggling with exploitation

Division 73 of the *Criminal Code* contains people smuggling offences which target the smuggling of persons into countries other than Australia.

Aggravated offences, particularly relevant to trafficking in persons activity, apply where the victim is to be exploited, subjected to cruel, inhuman or degrading treatment, or put in danger of death or serious harm.

Each of these aggravated offences carry a maximum penalty of 20 years imprisonment.

Other relevant federal laws

- Participation in trafficking in persons activity

Any form of participation in trafficking in persons activity is criminalised in Australia because Division 11 of the *Criminal Code* contains very broad principles of criminal responsibility which apply to each of the offences in the Code. These provisions cover attempt, incitement, complicity and common purpose (aiding, abetting, counselling or procuring the commission of an offence) conspiracy and corporate criminal responsibility.

- Forfeiture

The *Criminal Code* offences relevant to trafficking in persons are all covered by the Australia's *Proceeds of Crime Act 2002* as serious offences for which persons convicted can be required to forfeit all their property.

- Money laundering

Similarly, the relevant *Criminal Code* offences are all indictable offences for the purposes of the federal money laundering offences in Australia's *Criminal Code*. Australia's money laundering offences cover both the proceeds and instruments of crime.

- Protections for child witnesses and child complainants

Australia has also enacted protections for child witnesses and child complainants, in proceedings for all federal sex offences (including sexual servitude and deceptive recruiting) to ensure that children are able to testify as freely and effectively as possible. These protections are contained in Part IAD of the *Crimes Act 1914*.

For example, a child witness's evidence must be given by means of closed-circuit television (some limited exceptions to this rule apply), a child witness may choose an adult to accompany him or her while giving evidence and the court may disallow a question to a child witness if it is inappropriate or unnecessarily aggressive.

THE CRIMINAL CODE AMENDMENT (TRAFFICKING IN PERSONS OFFENCES) BILL 2004

Schedule 1 – Amendments relating to deceptive recruiting, trafficking in persons and debt bondage

Item 1

This item will repeal subsection 73.2(2) of the *Criminal Code* which defines **exploited** for the purposes of the extraterritorial people smuggling offences in Division 73 of the *Criminal Code*.

Item 13 of the Bill will insert the definition of **exploitation** (which is identical to the repealed definition of **exploited**) into the Dictionary of the *Criminal Code*.

Exploitation is a term adopted for the purposes of the new trafficking in persons offences in proposed Division 271 of the *Criminal Code* as well as the purpose of the extraterritorial people smuggling offences in Division 73 of the *Criminal Code*.

Item 2

This item will repeal the definition of **travel document** and **identity document** in subsection 73.6(2) of the *Criminal Code*. Items 15 and 18 of the Bill will insert these definitions into the Dictionary of the *Criminal Code*.

Item 3

This item will repeal the definition of **sexual services** in subsection 270.4(2) of the *Criminal Code*. Item 17 of the Bill will insert an identical definition of **sexual service** into the Dictionary of the *Criminal Code*.

Item 4

This item will update the jurisdiction provisions in Division 270 of the *Criminal Code*. Division 270 of the *Criminal Code* was enacted before the introduction of Division 15 of the Code ('Extended geographical jurisdiction') which provides for four categories of extended geographical jurisdiction.

Category B jurisdiction will apply to the offences of sexual servitude and deceptive recruiting for sexual services.

Section 15.2 of the *Criminal Code* provides that, where Category B jurisdiction applies to an offence, a person commits that offence only if:

- the conduct constituting the alleged offence occurs wholly or partly in Australia or on board an Australian aircraft to ship, or
- the conduct occurs wholly outside Australia and a result of the conduct occurs wholly or partly in Australia or on board an Australian aircraft or ship, or
- the conduct occurs wholly outside Australia and the person is an Australian citizen, resident or body corporate incorporated in Australia, or

- the alleged offence is an ancillary offence, the conduct constituting that offence occurs wholly outside Australia and the conduct or a result of the constituting the primary offence (to which the ancillary offence relates) occurs or is intended by the person to occur wholly or partly in Australia or wholly or partly on board an Australian aircraft or ship.

The slavery offences in section 270.3 of the *Criminal Code* will continue to apply both within and outside Australia.

Items 5 and 6

These items will raise the penalty for the aggravated sexual servitude offence in section 270.6 of the *Criminal Code* from 19 years imprisonment to 20 years imprisonment.

The aggravated sexual servitude offence applies where a person causes a person under the age of 18 to enter into sexual servitude or conducts any business that involves the sexual servitude of a person under the age of 18.

This amendment will align the penalty for this offence with the penalty for the extraterritorial offence of people smuggling aggravated by exploitation in section 73.2 of the *Criminal Code*.

This amendment will also ensure consistency with the penalty which applies to the proposed offences of trafficking children into Australia (proposed section 271.2) and trafficking children within Australia (proposed section 271.4).

Item 7

Section 270.7 of the *Criminal Code* makes it an offence for a person to deceive a second person about the fact that their employment or other engagement will involve the provision of sexual services, where the first person intends to induce that second person into an engagement to provide sexual services.

For example, this offence applies where a woman agrees to come to Australia to work as a waitress, and upon arrival in Australia, discovers that she has been deceived and that the employment is in fact in the sex industry.

However, the deceptive recruiting offence does not address the situation where a person knows that he or she will be working in the sex industry but is deceived as to the exploitative conditions of that employment, including restrictions on his or her physical freedom.

This item will significantly extend the existing deceptive recruiting offence to ensure that it will apply where a person agrees to come to Australia knowing that he or she will work in the sex industry but deceived as to the exploitative conditions of that employment in the sex industry.

This amendment will ensure Australia's criminal laws are fully compliant with the definition of *trafficking in persons* in Article 3(a) of the Trafficking Protocol.

Deception is identified as one of the ‘means’ of trafficking in persons in the definition of *trafficking in persons* in that Article.

This amendment will extend the deceptive recruiting offence to cover deception about:

- the extent to which the person will be free to leave the place or area where the person provides sexual services
- the extent to which the person will be free to cease providing sexual services
- the extent to which the person will be free to leave his or her place of residence, and
- the fact that the engagement will involve exploitation, debt bondage or the confiscation of the person’s travel or identity documents.

The penalty for this offence (7 years imprisonment and 9 years imprisonment where the victim is under 18) will remain unchanged.

Proposed subsection 270.7(1A) will clarify that, in taking into account whether a person has been deceived, the court or jury may consider evidence of the economic relationship between the victim and alleged offender, the terms of any contract or agreement and the personal circumstances of the victim including the person’s migration status, ability to speak and understand English, and social and physical dependence on the alleged offender.

This provision will ensure that the court or jury is able to take into account the significant power imbalances between people traffickers and their victims, while also ensuring that the deceptive recruiting offence will not capture employment disputes in the sex industry (where it is clear that the sex worker disputing the particular contract or arrangement has not been trafficked into Australia).

It is important to note that the regulation of prostitution is a matter for States and Territories. The proposed amendments to the deceptive recruiting offence remain aligned with the original purpose of the offence as introduced in 1999. The offence criminalises activity which is essentially preparatory to sexual servitude. The offence is not designed to capture employment disputes in the context of legalised prostitution.

The existing offences in Division 270 of the *Criminal Code* are based directly on the Model Criminal Code Officers’ Committee 1998 Report on Slavery which noted that “the object of these offences is to regulate sexual servitude and not prostitution”. (page 33 of the Report) The Report is available at www.ag.gov.au/publications.

Item 8

This item is consequential to the amendment in item 4 of the Bill which applies Category B jurisdiction to the offences of sexual servitude and deceptive recruiting for sexual services.

This item will repeal the section which clarifies that, in determining whether a person has committed an offence against Division 270, it does not matter whether the person

is or is not an Australian citizen or resident (section 270.10) and the section dealing with the Attorney-General's consent for prosecutions under Division 270 (section 270.11).

Section 16.1 of the *Criminal Code* which deals with the Attorney-General's consent for certain prosecutions (where the conduct occurs wholly in a foreign country and the alleged offender is not an Australian citizen, resident or body corporate) automatically applies to offences which attract Category B jurisdiction.

Item 9 – Division 271

Proposed section 271.1

This section will define key terms for the purposes of proposed Division 271.

confiscate means to take possession of a travel or identity document, whether permanently or otherwise, to the exclusion of the person, or to destroy the document.

It will be an offence to deceive a person about the fact that their travel or identity documents will be confiscated in the context of the amended deceptive recruiting offence (item 7 of the Bill) and in the context of the offences of trafficking persons into Australia (proposed section 271.2) and trafficking persons within Australia (proposed section 271.5).

Constitutional corporation is defined as a corporation to which paragraph 51(xx) of the Constitution applies.

deceive means mislead as to fact (including the intention of any person) as to law, by words or other conduct. This is similar to the definition of deception in section 133.1 of the *Criminal Code* which applies to the fraudulent conduct offences in Part 7.3 of the *Criminal Code*.

Threat includes a threat of force, a threat to cause a person's removal from Australia or a threat of any other detrimental action unless there are reasonable grounds for the threat of that action.

Proposed section 271.2

The existing slavery and sexual servitude offences focus on 'final' exploitation of the person rather than transporting the person for the purposes of exploitation which is one of the practices contemplated in the Trafficking Protocol.

This offence will target the transportation of persons to Australia by means of force, threats or deception (three means of trafficking in persons identified in Article 3(a) of the Trafficking Protocol).

This offence will criminalise organising or facilitating the entry proposed entry or receipt of another person into Australia by means of force or threats. A penalty of 12 years imprisonment will apply to this offence.

Threat is defined to include a threat of force, a threat to cause a person's removal from Australia or a threat of any other detrimental action unless there are reasonable grounds for the threat of that action.

Proposed subsection 271.2(2) will make it an offence for a person to organise or facilitate the entry, proposed entry or receipt of another person into Australia where there is deception about the fact that the entry, receipt or arrangements made in Australia will involve the provision of sexual services, exploitation, debt bondage or the confiscation of the other person's travel or identity documents.

For the purposes of this offence, it does not matter whether the victim's entry or proposed entry is lawful or unlawful under the *Migration Act 1958*. This reflects the distinction between people trafficking and people smuggling (also known as smuggling in migrants).

The UN *Protocol Against the Smuggling of Migrants by Land, Sea and Air* ("the Smuggling Protocol") which, like the Trafficking Protocol, supplements the *United Nations Convention against Transnational Organized Crime* defines **smuggling in migrants** as:

the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.

The Smuggling Protocol was adopted by the UN General Assembly in November 2000 and signed by Australia in December 2001. Australia is in the process of ratifying the Smuggling Protocol. In Australia, under the *Migration Act 1958*, people smuggling into Australia carries severe penalties. As outlined above, Division 73 of the *Criminal Code* covers people smuggling activity that takes place outside Australia.

Proposed section 271.3

An aggravated offence will apply where the offender, in committing the offence of trafficking in persons, either:

- intends that the victim will be exploited,
- subjects the victim to cruel, inhuman or degrading treatment or
- engages in conduct that gives rise to a danger or death of serious harm to the victim and is reckless as to that danger.

This offence would apply, for example, where the offender arranges for the victim to be transported to Australia in a vessel which is so unseaworthy as to give rise to a danger of death or serious harm to the victim.

This aggravated offence reflects the aggravated extraterritorial people smuggling offence in section 73.2 of the *Criminal Code*.

Proposed section 271.4

Article 3(a) of the Trafficking Protocol defines trafficking in persons as:

the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Article 3(c) of the Trafficking Protocol provides that:

the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered trafficking in persons, even if it does not involve any of the means set forth in subparagraph (a) of this article.

This section will provide for an offence of trafficking in children which reflects Article 3(c) of the Trafficking Protocol.

This offence will provide that a person is guilty of an offence if he or she intentionally organises or facilitates the entry or proposed entry of a person under the age of 18 into Australia, intending that the person be used to provide sexual services or will be otherwise exploited (or reckless as to either of these outcomes).

A penalty of 20 years imprisonment applies to this offence.

Exploitation is defined in item 13 of the Bill to occur where the exploiter's conduct causes the victim to enter into slavery, forced labour or sexual servitude, or causes an organ of the victim to be removed without consent by either the victim or the victim's legal guardian (and where the organ was not removed for a medical reason).

Item 17 of the Bill will insert the definition of **sexual service** into the Dictionary of the *Criminal Code*. **Sexual service** is defined as the commercial use or display of the body of the person providing the service for the sexual gratification of others.

Proposed section 271.5

This offence will target trafficking in persons activity that occurs wholly within Australia and will complement proposed section 271.2 which deals with trafficking persons into Australia. This offence will assist in ensuring that the offence in section 271.2 is fully effective.

For example, a people trafficker in a foreign country may organise the entry of a person into Australia for the purposes of subjecting the person to sexual servitude in a brothel. Once the victim has arrived in Australia, a second participant in the trafficking activity may provide accommodation for the victim for a short period and then organise the victim's transportation to the specific destination where the brothel is located. The activity of the second participant would be covered by the offence in proposed section 271.5.

Implementing these offences which cover purely domestic trafficking in persons activity will address the conduct of persons who are not directly involved in organising a trafficking victim's entry into Australia but who facilitate the arrangements to exploit the victim within Australia. These offences will assist in ensuring each and every participant in the 'chain' of exploitation of the victim can be prosecuted for that participation

Under this provision, a person will commit an offence of domestic trafficking in persons where he or she organises or facilitates the transportation of another person within Australia and uses force or threats to obtain the other person's consent to that transportation.

It will also be an offence where a person organises or facilitates the transportation of another person within Australia and deceives the other person about the fact that the transportation or any arrangements made for the other person at the arrival destination, will involve the provision of sexual services, exploitation, debt bondage or the confiscation of the other person's travel or identity documents.

A penalty of 12 years imprisonment will apply to this offence.

Proposed section 271.8

One tactic that may be employed by people traffickers is the use of debt contracts or arrangements. Under these arrangements, the victim is coerced into providing sexual services or other labour to pay off large 'debts' supposedly incurred because the trafficker has arranged the victim's travel to a country or entry into that country or has organised employment and accommodation for the victim following the entry.

This section puts forward three options for a debt bondage offence. The outcome of public consultation on this offence will assist in determining which of these options is included in the Bill for introduction into Parliament.

Section 270.3 of the *Criminal Code* contains a very broad slavery offence that not only covers all slavery activity but also extends to most debt bondage activity.

Slavery is defined as the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, **including where such a condition results from a debt or contract made by the person**. However, some more minor instances of debt bondage may not be covered by the slavery offence.

Debt bondage is defined as a 'practice similar to slavery' in the Supplementary Convention (to the 1926 International Convention to Suppress the Slave Trade and Slavery) on the Abolition of Slavery, the Slave Trade and Institutions and Practices similar to Slavery. **Debt bondage** is defined as:

the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed, is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined.

Option 1

This option is a broad debt bondage offence where the definition of *debt bondage* is based directly on the above definition adopted in the Supplementary Convention on Slavery.

This provision would make it an offence to engage in conduct that causes another person to enter into debt bondage, intending to cause that other person to enter into that condition.

Item 10 of the Bill defines *debt bondage* for the purposes of **Option 1** as the status or condition arising from a pledge by a person of his or her personal services (or of the personal services of a person under his or her control) as security for a debt owed, or claimed to be owed, by that person if:

- the reasonable value of those services is not applied towards the liquidation of the debt or the purported debt, or
- the length and nature of those services are not respectively limited and defined.

The proposed penalty is 12 months imprisonment which would enable this offence to be dealt with as a summary offence where appropriate. This proposed penalty applies to each of the three options for the debt bondage offence.

This broad debt bondage offence may carry the risk of inadvertently criminalising activities that ought not be subject to criminal sanctions – for example, criminalising informal arrangements for paying off a debt between family members which do not involve exploitation of the debtor. For this reason, two further options for addressing debt bondage have been included in the Bill which restricts the offence to the sex industry context.

The reference to “debt owed or claimed to be owed” in each of the options for the debt bondage offence is designed to ensure that traffickers who invent or grossly inflate debts owed to them by their victims are covered by the offence. For example, a trafficker may claim that his or her victim owes a debt of \$20,000 on the basis that the trafficker booked and paid for the victim’s \$2000 airfare to Australia.

Option 2

This option would limit the debt bondage offence to the sexual services context. This offence would apply wherever a person engages in conduct that causes another person to enter into *debt bondage for sexual services*, intending to cause that person to enter into that condition.

Item 11 of the Bill defines *debt bondage for sexual services* for the purposes of **Option 2** identically to *debt bondage* for Option 1 but will replace the reference to ‘personal services’ with a reference to ‘sexual services’.

Option 3

This option would prohibit all debt arrangements applying to sex workers.

This offence would apply wherever a person caused another person to pay off a debt by the provision of sexual services (or the sexual services of a person under his or her control).

Item 12 of the Bill defines *debt bondage for sexual services* for the purposes of **Option 3** as the status or condition that arises from a person being pledged by a person of his or her sexual services, or of the sexual services of another person under his or her control, as security for a debt owed, or claimed to be owed, by that person.

This offence would apply regardless of whether the reasonable value of those sexual services were actually applied towards the liquidation of the debt and regardless of whether the length and nature of the services were limited or defined.

Proposed section 271.9

An aggravated debt bondage offence applies where the victim of the offence of debt bondage is under the age of 18.

This higher penalty is consistent with the deceptive recruiting for sexual services offence and sexual servitude offence in Division 270 of the *Criminal Code* which provide for higher penalties where the victim is under the age of 18.

It also reflects the higher penalties which apply to the proposed offences of trafficking children into Australia and trafficking children within Australia in proposed sections 271.4 and 271.7.

A penalty of two years imprisonment will apply to this aggravated offence.

Proposed section 271.10

This section will describe the jurisdictional requirements for the trafficking in persons offences.

Category B jurisdiction will apply to the offences of trafficking persons into Australia, aggravated offences of trafficking persons into Australia and trafficking children into Australia. Category B jurisdiction will also apply to the offences of debt bondage and aggravated debt bondage. Section 15.2 of the *Criminal Code* describes Category B jurisdiction.

Proposed section 271.11

This section will outline the jurisdictional basis for the domestic trafficking in persons offences. The list of circumstances set out in this section reflect the Australian Government's constitutional power to implement offences which target trafficking in persons activity within Australia.

The domestic trafficking in persons offences will apply where:

- the conduct constituting the offence occurs to any extent outside Australia
- the conduct involves transportation across State borders for reward or in connected with a commercial arrangement
- the conduct occurs within a Territory or involves transportation to or from a Territory
- the conduct is engaged in by a constitutional corporation or in circumstances where the victims were intended to be employed by such a corporation
- some of the conduct constituting the offence is engaged in by communication using a postal, telegraphic or telephonic service, or
- the victim of the conduct is an alien.

Proposed section 271.12

This section will clarify that proposed Division 271 is not intended to exclude or limit the operation of any other federal law or any State or Territory law. All State and Territory jurisdictions, with the exception of Queensland and Tasmania, have enacted sexual servitude laws.

Proposed section 271.13

This section will provide protection against double jeopardy for all of the offences in proposed Division 271.

This section will provide that, if a person has been convicted or acquitted outside Australia for an offence in respect of particular conduct, the person cannot be convicted of an offence against proposed Division 271 in respect of that particular conduct.

Item 10

This item will define *debt bondage* for the first option for the debt bondage offence (see boxed text above).

Item 11

This item will define *debt bondage* for the purposes of the second option of the debt bondage offence (see boxed text above).

Item 12

This item will define *debt bondage* for the purposes of the third option for the debt bondage offence (see boxed text above).

Item 13

This item will insert the definition of *exploitation* into the Dictionary of the *Criminal Code*.

Exploitation occurs where the exploiter's conduct causes the victim to enter into slavery, forced labour or sexual servitude.

Exploitation also occurs where the exploiter's conduct causes an organ of the victim to be removed and neither the victim nor the victim's legal guardian consented to the organ's removal (and there was no medical reason for the removal of the organ.)

This definition reflects Article 3(a) of the Trafficking Protocol which states:

Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

Item 14

This item will insert the definition of *forced labour* into the Dictionary of the *Criminal Code*. This definition refers to the definition contained in section 73.2 of the *Criminal Code*.

Forced labour is defined that section as the condition of a person who provides labour or services (other than sexual services) and who, because of the use of force or threats:

- is not free to cease providing labour or services, or
- is not free to leave the place or area where the person provides labour or services.

Item 15

This item will insert the definition of *identity document* into the Dictionary of the *Criminal Code*. An identity document is defined as any kin of document that may be used to establish the identity of a person in a country under the law or procedures of that country. For example, a driver's licence would be an identity document.

Item 16

This item will insert the definition of *personal service* into the Dictionary of the *Criminal Code* for the purposes of the first option for the debt bondage offence. If either of the other two options for a debt bondage offence are pursued, then this definition will not be required (as the other two options are based around the concept of sexual service which is defined in Item 17 of the Bill).

Personal service is defined broadly to include any labour or service, including a sexual service, provided by a person.

Item 17

This item will insert the definition of *sexual service* into the Dictionary of the *Criminal Code*. This term means the commercial use or display of the body of the person providing the service for the sexual gratification for others. This definition would cover, for example, not only an act of prostitution but such activities as

stripping (where it takes place in the commercial context for the sexual gratification of others).

Item 18

This item will insert the definition of *travel document* into the Dictionary of the *Criminal Code*. Travel document means any kind of document required, under the law of a country, to enter or leave that country. All passports and visas would be covered by this definition.
