



**AFP** | Governance

# AFP Practical Guide on human trafficking investigations

s22

## 1. Disclosure and compliance

This document is **UNCLASSIFIED** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on disclosure of information](#).

### Compliance

This instrument is part of the AFP's professional standards framework. The [AFP Commissioner's Order on Professional Standards \(CO2\)](#) outlines the expectations for appointees to adhere to the requirements of the framework. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

## 2. Acronyms

<b>AFP</b>	Australian Federal Police
<b>ARC</b>	Australian Red Cross
<b>AOCC</b>	AFP Operations Coordination Centre
<b>BVF</b>	Bridging Visa F
<b>CCPM</b>	Case Categorisation and Priority Model
<b>CDPP</b>	Commonwealth Director of Public Prosecutions
<b>CJC</b>	criminal justice certificate
<b>CJSV</b>	criminal justice stay visa
<b>DIAC</b>	Department of Immigration and Citizenship
<b>HTT</b>	Human Trafficking Team
<b>NCHT</b>	National Coordinator Human Trafficking
<b>NGO</b>	non-government organisation
<b>OC</b>	Operations Committee
<b>OFW</b>	Office for Women
<b>OMC</b>	Operations Monitoring Centre
<b>UNC</b>	unlawful non-citizen
<b>VOT</b>	victim of trafficking
<b>WPTC</b>	witness protection trafficking certificate
<b>WPTV</b>	witness protection trafficking visa

## 3. Definitions

**Appointee** is defined in s. 4 of the [Australian Federal Police Act 1979](#) (Cth).

**Debt bondage** is defined in the Dictionary of the [Criminal Code](#) (Cth).

**Deceive** is defined in s. 271.1 of the Criminal Code (Cth).

**Exploitation** is defined in the Dictionary of the Criminal Code(Cth).

**Forced labour** is defined in s 73.2(3) of the Criminal Code(Cth).

**Human trafficking** is also referred to as 'people trafficking' in some publications but is different from 'people smuggling'. Human trafficking in this practical guide means the physical movement of people across borders through deceptive means, coercion or force.

**Juvenile** has the meaning given in legislation pertaining to the jurisdiction of the offence.

**Member** is defined in s. 4 of the *Australian Federal Police Act 1979* (Cth).

**People trafficking** may also be used to mean 'human trafficking' in some publications. 'Trafficking in persons' is defined in Article 3 of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime* (2000).

**Slavery** is defined in s. 270.1 of the *Criminal Code 1995* (Cth).

## 4. Guideline authority

This guide was issued by the National Manager Crime Operations using power under s. 37(1) of the [Australian Federal Police Act 1979](#) (Cth) as delegated by the Commissioner under s. 69C of the Act.

## 5. Introduction

This practical guide relates to human trafficking investigation procedures and sets:

- a consistent response by police when dealing with suspected human trafficking offences against children and/or adults
- procedures to be adopted where the victim is a child or young person.

## 6. Whole-of-government approach

Appointees must consider a whole-of-government approach to investigating human trafficking crime, particularly for strategic planning and inter-agency cooperation. Refer to the government [Anti-People Trafficking Strategy](#).

## 7. Legal framework

Appointees investigating human trafficking crimes, including related strategic planning, must have regard to labour exploitation and/or sexual exploitation, slavery or debt bondage and organ harvesting legislation, including:

- [Division 270 of the Criminal Code – Slavery, sexual servitude and deceptive recruiting](#)
- [Division 271 of the Criminal Code– Trafficking in persons and debt bondage](#)
- Schedule 1 of the [Migration Amendment \(Employer Sanctions\) Act 2007](#)
- regulation 2.07AK(3) of the [Migration Regulations 1994](#)
- Section 32 of the *Human Tissues Act 1983* (NSW) or equivalent state legislation.

In addition to investigating trafficking offences, appointees should consider and pursue disruptive outcomes (i.e. disruption to the ongoing criminal enterprise), as referred to in s. 15 of this guide.

Appointees must engage members of the Criminal Asset Confiscation Taskforce for early advice on disruptive strategies. Refer also to s. 15.1 of this guide.

## 8. Human trafficking investigations

The Human Trafficking Team (HTT), formerly Transnational Sexual Exploitation and Trafficking Team, is primarily responsible for the investigation of human trafficking allegations. Notwithstanding the role of HTT, any other investigative team or member could be called upon to investigate human trafficking matters, including:

- sexual servitude
- labour trafficking
- deceptive recruitment
- debt bondage
- sexual exploitation
- human trafficking, both international and domestic
- slavery
- organ harvesting.

HTT members or those nominated to undertake a human trafficking investigation must coordinate medical examinations (including psychological), forensic procedures and victim/witness statements. The arrangement of all other medical treatment is the responsibility of the organisation contracted by the Office for Women (OFW) to manage victims in the Trafficking of Persons Program. Refer to [Anti-trafficking NGOs](#) for information about the role of respective non-government organisations (NGOs) that may also assist a victim of trafficking (VOT) with welfare and immigration concerns.

HTT leaders or other Crime Operations team leaders must determine whether:

- the AFP should investigate the matter independently or seek a joint investigation with other agencies
- other AFP investigative areas must or can assist.

Team leaders must be cognisant of and comply with Operation Committee (OC) procedures in any decision-making process.

Investigating members must have regard to these key principles:

- The rescue/welfare of a suspect VOT has priority over prosecution of any offenders.
- Think 'victim', not 'immigration offender'.
- Initially, take everything at face value.
- Do not judge.
- Investigate, test and confirm the VOT's account.
- Do no further harm – do not retraumatise the VOT.
- Help and advice is always available.

## 9. Indicators of human trafficking

Investigating members must be alert for indicators of sex and/or labour exploitation, including persons who:

- have limited English, knowing only sex-related words
- travel to/from the brothel under supervision in a group with other workers
- move regularly between different brothels, including interstate
- do not smile or seem unhappy, distressed, intimidated, injured, sick or not free to leave, as advised to police by clients
- may be afraid of revealing their immigration status and/or occupation
- have false or no identity or travel documents
- do not possess their passport or travel/identity documents, which are with their employer
- have no labour or employment contract/agreement
- do not know or be reluctant to state their home or work address
- have little or no money or no access to their earnings
- are nervous/upset/traumatised/intimidated
- have physical injuries (assault / harsh treatment / unsafe work practices)
- are always in the presence of their employer, who does not want or allow the worker to talk to police
- work excessively long hours and have few, if any, days off
- sleep where they work
- are escorted wherever they go (to/from work and elsewhere)
- have very few items of clothing or inappropriate/unsafe work clothing
- are disciplined through harsh fines and other penalties (e.g. extra work hours)
- never or rarely leave accommodation for non-work reasons
- have no choice of accommodation or work location
- have an employer/manager who is unable to show wage records for them
- have an unsafe or poor-quality workplace with no health and safety equipment
- live in group accommodation with other workers and repay owner for rent from salary.

## 10. Referrals

Appointees must note that allegations of human trafficking may emerge in relation to other reported activities or investigations or because of intelligence/information received, including from a suspect VOT or other member of the public.

If a referral is received directly, appointees must accept it and inform the AFP Operations Coordination Centre (AOCC) via national PROMIS.

### **Internal reporting and processes**

All referrals or allegations of human trafficking must be recorded in PROMIS and in its own case in line with established procedures, including the Case Categorisation and Prioritisation (CCPM) model.

If an immediate response seems necessary, the referral must be treated as an 'Essential' matter (Type A) referral and its status recorded as an 'Active Investigation'. Other referrals may be evaluated and advised to the Operations Committee per established procedures. If these types of referrals are considered for status change of 'Evaluation' to 'Active Investigation', they must be dealt with as a Type B or C referral. Refer also to [PROMIS Procedure 17](#).

The local Operations Monitoring Committee (OMC) will usually recommend that the OC accept an investigation. For human trafficking referrals, the OMC must not decide on the referral without consulting either the:

- HTT
- relevant Crime Operations Support Adviser

or

- the National Coordinator Human Trafficking (NCHT).

Where an HTT is in place, its team leader must recommend the disposition of the referral to the OC through the local OMC.

Appointees must, if the AFP assists another agency in an activity which may lead to a referral of human trafficking, create a separate PROMIS case in each instance and treat as a Type A, B or C referral. This is also applicable where a request is made for AFP assistance and 'Rejected'. The CCPM should initially reflect the case as Assistance – Operational.

The **exception** to the independent PROMIS case obligation is for the initial treatment of raw information (e.g. an information report). This may be recorded in an established HTT Workspace Case and dealt with under applicable rules (allowing information evaluation over a 40-hour period and a decision before a separate case is established).

Appointees must record against the HTT National Administration Case any human trafficking activity outside of active intelligence or investigative activity, including meetings, presentations and general travel.

Appointees must notify in writing the reporting entity/organisation of the rejection of any referral as per PROMIS procedures.

## 11. First response

Where available, the HTT of the office local to a suspect VOT must provide a first response. Other AFP members, however, may also provide a first response if there are no HTT members available.

First response members must address concerns relating to:

- victim management
- evidence collection
- corroboration
- crime scene preservation
- interviewing offenders.

If a member other than an HTT member identifies a suspect VOT, that member must either:

- contact the team leader of HTT in the relevant local office

or

- if no regional HTT exists, notify the NCHT of any new referral.

Members must note that most suspect VOTs are located during compliance visits by the Department of Immigration and Citizenship (DIAC) and no search warrant exists.

## 11.1 First response actions

A member who attends a human trafficking incident must:

- consider whether a search warrant is required for the incident location because evidence may be located there including, for example, CCTV footage and business records
- consider alternatives to an AFP search warrant, such as actions with DIAC over compliance and state police over state offences
- note that HTT search warrants are 2-condition warrants to protect the identity of the suspect VOTs and other witnesses
- consider using interpreting services
- have the contact number for the local DIAC Trafficking Team and/or Immigration Status Service
- take all equipment to record evidence located, including:
  - digital camera, video camera and digital recorder (offenders only)
  - Property Seizure Record
  - audit bags and search kit
  - Victim of trafficking assessment tool (sex worker)
  - Victim of trafficking assessment tool (labour)
  - Victim of trafficking assessment tool (organ donor)
  - Bridging Visa F (BVF)
  - ARC Assessment & Referral forms.

Investigating members must not electronically record conversations with suspect VOTs **unless they are under the age of sixteen**.

Investigating members must, after entering premises, ensure the subsequent location, rescue and management of a suspect VOT is paramount. The safety and wellbeing of the suspect VOT takes priority, with an assessment of the need for immediate medical attention.

Where possible, an investigating officer of the same sex must remain with the suspect VOT and build rapport.

Members must look out for nonverbal communication and body language between VOTs and suspects.

## 11.2 Outline of the process

A trained and/or experienced HTT member must, where possible, initially assess suspect VOTs.

Appointees must when investigating human trafficking crime follow this procedure:

- A suspect VOT is identified.
- The investigator must briefly assess the suspect VOT in private using the victim assessment tool to establish the circumstance of any alleged offences, either current or

historical.

- Victims are usually from non–English-speaking backgrounds and may have difficulties with the English language. Only use the National Accreditation Authority for Translators and Interpreters when interviewing VOTs.
- Members must not allow anyone the suspect VOT knows to interpret – they may be part of the trafficking organisation.
- Members are to obtain an interpreter in the victim’s native language on site if possible or via Translation Information Services, phone 131450; the code is 166828.
- The suspect VOT may have been traumatised by the arrival of police or immigration officials at the scene. Members must remove the VOT prior to filming the scene.
- Members must conduct the initial assessment interview in a private place away from other witnesses and potential persons of interest. The assessment is generally best completed by a member of the same sex as the suspect VOT.
- Members must try to cover the main questions in the questionnaire having regard to the demeanour of the suspect VOT.
- The questionnaire must be uploaded into PROMIS at an appropriate time and a new ‘human trafficking victim/witness reference’ document must be created in the PROMIS log. This is located in a formatted document in PROMIS.
- If a suspect VOT has been interviewed and deemed not to be a VOT, the investigator must record the reason behind the decision and upload any notes to either the specific PROMIS case created or the national case. NCHT must be notified in these instances.
- The Australian Red Cross (ARC) must be advised at the earliest opportunity of a suspect VOT being identified. After normal business hours the ARC after-hours checklist must be completed. Emergency ARC and local ARC numbers are available in the [Aide mémoire on human trafficking](#).
- The ARC attends the location of the suspect victim or another agreed location.
- The AFP helps the ARC to compile any documents it needs to assume responsibility for the suspect VOT. The handover must include all known relevant information about the health and welfare of the suspect VOT. The ARC is responsible for victim welfare, including accommodation.
- Members assess the need for forensic services for any suspected recent sexual assault on the suspect VOT.
- Members video, photograph and sketch evidential material.
- Members must avoid further indirect victimisation of the suspect VOT.
- If a witness is located, members must record their contact details. If a witness of the suspect VOT is identified and this person is an unlawful non-citizen (UNC), then if deemed necessary the member may request a Criminal Justice Stay Certificate (CJSC) authorised by a superintendent for that witness. Further to the terms of the CJSC, the AFP may be required to bear costs in relation to keeping this witness in Australia for the purposes of the investigation.
- Where there is evidence of sexual assault of a suspect VOT, the assistance of specialist Sexual Assault teams from the local office or state or territory police must be sought.
- Suspect VOTs may be UNCs or in breach of substantive visas. Members must consult with the DIAC Trafficking and Liaison Team in the relevant state or verify immigration status via the Immigration Status Service to establish if the suspect VOTs are lawfully in Australia. Alternatively, the AOCC can make this inquiry. If the suspect VOT is not lawfully in Australia refer to s. 13 of this guideline.
- Members must ensure evidence is recorded in situ, especially the location of travel documents (e.g. tickets, cash and passport of victims) and whether these are in the control of offenders or victim.

## 12. Mandatory reporting requirements

Investigating members must be aware of and observe the spirit of legislated reporting requirements for physical and sexual abuse or maltreatment of the state and territory.

Investigating members must report alleged abuse of juvenile victims to relevant state or territory child support agencies (noting only Queensland law does not mandate this). Refer to ['Mandatory reporting requirements across Australia'](#).

## 13. Visa regime

### **Bridging Visa F**

AFP members must, if the suspect VOT has no substantive visa (e.g. student, tourist or working holiday), in consultation with DIAC, give consideration to the need to apply for a BVF for the suspect VOT, which is a visa specific to VOTs. The member must complete the support document for the suspect VOT. Any member of the AFP can sign this document. The BVF does not require the suspect VOT to provide assistance to police.

Members must ensure the BVF conditions are explained to the suspect VOT, including:

- its purpose
- when it expires
- that they must tell the AFP where they are living and their contact details
- that they cannot work.

If the suspect VOT is willing but unable to assist police in their investigation, another BVF can be applied for, granting a further 45 days for assessment.

### **Criminal justice certificate**

If, before the BVF expires, the AFP determines that an investigation is appropriate and the suspect VOT is willing to participate, the AFP member can apply for a criminal justice certificate (CJC) from the Attorney-General's Department. This form, along with a costs undertaking and a blank CJC, must be emailed to [Criminal.Justice.Certificates@ag.gov.au](mailto:Criminal.Justice.Certificates@ag.gov.au) and copied to [People.Trafficking@immi.gov.au](mailto:People.Trafficking@immi.gov.au).

### **Criminal justice stay visa**

Members may assist a suspect VOT apply for a criminal justice stay visa (CJSV). This visa is normally not issued before the suspect VOT is confirmed to be a VOT. A CJSV allows unlimited work. To issue a CJSV, the victim may be required to cancel a substantive visa.

### **Witness protection trafficking visa (permanent visa)**

Members must note that they may be asked to support a VOT's application for a witness protection trafficking visa (WPTV). A VOT who has been granted a CJSV may be invited to apply for a WPTV, if the Attorney-General has issued a witness protection trafficking certificate (WPTC). The AFP may request a WPTC up to 90 days after charging the suspect.

For a VOT to be invited to apply for a WPTV, the Attorney-General must have issued a WPTC to the effect that:

- the person contributed to, and cooperated closely in, prosecuting a person alleged to have trafficked a human or forced a person into exploitative conditions (whether or not the person was convicted)

or

- the person contributed to, and cooperated closely in, an investigation in which the Commonwealth Director of Public Prosecutions (CDPP) decided not to prosecute a person alleged to have trafficked a human or forced a human into exploitative conditions

and

- the Minister for Immigration and Citizenship is satisfied that the person would be in danger if he or she returned to his or her home country. For further information refer to the WPTC Assessment Questionnaire.

If the AFP has referred a matter for prosecution to the CDPP and the CDPP decides not to prosecute, appointees must consider whether to request a WPTC.

Appointees must note that the referral to the CDPP and its decision not to prosecute are prerequisites for an AFP request to the Attorney-General's Department for a WPTC on the grounds of r. 2.07AK(3)(c)(ii) of the [Migration Regulations 1994](#). In this case, the AFP may request a WPTC up to 90 days from the date of the CDPP's advice not to prosecute.

Appointees must note that the [Anti-Slavery Project in NSW](#) may assist VOTs Australia-wide to seek independent migration advice and that this should be progressed by the ARC, not the AFP.

## 14. Support for Victims of Trafficking Program

Appointees must note that the Support for Victims of Trafficking Program was delinked from the visa regime on 1 July 2009, enabling those holding a valid visa to remain on the program, with no requirement to have a BVF or CJSV. The ARC provides these support phases:

- **Assessment Stream** – up to 45 days of intensive support for all clients referred by the AFP, irrespective of whether they are willing and/or able to assist with an investigation and/or prosecution of a human trafficking offence. The primary reason for the Assessment Stream is to allow the VOT sufficient time to rest and recuperate.
- **Extended Intensive Support Stream** – an extra 45 days of intensive support in addition to the 45 days provided via the Assessment Stream for clients who are willing but not able to assist with an investigation and/or prosecution.
- **Justice Support Stream** – basic support while the client participates in a committal and trial.
- **Transitional Period** – a 20-day transitional period for Justice Support Stream clients leaving the program.
- **Temporary Trial Support Stream** – temporary support for clients who have returned to Australia to participate in a trial.

### 14.1 Outline of the process

Per s. 11.2.11 of this guideline, appointees must notify the ARC as soon as practicable upon

locating a suspect VOT and of any planned resolution.

If the VOT is willing but unable to assist police, the investigating member must consider submitting a written request (email will suffice) to the ARC for the VOT to be moved to the Extended Intensive Support Stream.

The investigating member must at the earliest time in the Assessment Stream (or Extended Support Stream) notify (email will suffice) the ARC that:

- the VOT is willing to assist an investigation/prosecution
- the AFP requests that at the end of the Assessment Stream the VOT be transferred to the Justice Support Stream (for the duration of the investigation/prosecution).

If during the Justice Support Stream the suspect VOT is to exit the program, the investigating member must request that the ARC transfer the VOT to the Transitional Period (email will suffice).

In accordance with the Support for Victims of People Trafficking Program – Communications and Operations Protocol and prior to the transfer, the investigating member must convene a teleconference with DIAC and the OFW to provide an understanding of why the VOT is being exited.

The investigating member must advise the suspect VOT of the decision to exit them from the program.

Appointees must note that the Transitional Period is also used at the end of the investigation/prosecution.

## 15. Disruptive outcomes

Members investigating human trafficking must be aware that disruption to the ongoing enterprise is a legitimate outcome of a human trafficking investigation. They must from the outset consider parallel and/or alternative disruptive outcomes including:

- early referral to the local Criminal Asset Confiscation Taskforce
- additional state and Commonwealth offences relating to money laundering and migration with referral for regulatory or prosecution action by relevant agencies such as:
  - Centrelink
  - DIAC
  - Australian Taxation Office
  - Australian Building and Construction Commission
  - Fair Work Ombudsman
  - Department of Education, Employment and Workplace Relations
- referring for regulatory action, excessive rent or habitation issues to state authorities such as:
  - local councils
  - workplace ombudsman
  - landlord tenancy regulators.

These decisions must be recorded within PROMIS as a Critical Decision.

## 15.1 Financial considerations

The investigating members must refer human trafficking matters to the Criminal Asset Confiscation Taskforce for the development of a confiscation strategy most suited to maximising disruption in each individual case, whether via:

- proceeds of crime action
- tax remedies
- civil debt recovery

or

- recovery through international cooperation with foreign law enforcement agencies.

Investigating members must ensure suspect VOTs are questioned about their earnings, banking and overseas transfers to assist criminal asset investigations.

## 16. Victim/witness considerations

Members investigating human trafficking crime must, when dealing with witness and victims, consider the following in relation to:

- the impact of the lack of control a VOT has over their life
- communication
- security
- credibility
- medical considerations.

### **Communication**

Investigating/interviewing members should, due to language and/or cultural differences (including mistrust of police):

- identify the VOT's language
- reassure the VOT that they are safe with you in speech and particularly by appropriate nonverbal signals
- when using translator and interpreter services to obtain evidence, also use them to establish whether the VOT needs anything such as medical attention and clothing.

### **Security**

Because VOTs are likely to have been subjected to threats, blackmail and/or violence over a long period of time (and may fear police), investigating/ interviewing members must:

- reassure the VOT that they are safe with you in speech and particularly by appropriate nonverbal signals
- use non-uniformed staff or at least staff not wearing tactical/protective equipment
- not treat the VOT as a suspect – do not arrest or handcuff or place/hold them in a police cell
- not inform anyone of the victim's presence with you without the victim's express consent (and even with consent, not without assessing the potential risks of notifying that person or persons)

- consider the gender of the officers and staff working with the VOT. When explaining intimate details, the victim may communicate best with a person of the same sex – although this is not always the case
- not obtain any accounts in the presence of another person without the VOT's express consent
- not obtain any consent for the provision of information when the victim is in sight or hearing of another person.

## **Credibility**

Because the VOT's experience may not seem reasonably credible and lead to poor cooperation, investigating/interviewing members should:

- be prepared to remain open-minded about new and/or extreme accounts
- not convey revulsion when the accounts are being given
- not convey contempt for what the VOT has been forced to do
- take the first account at face value – future investigation activity will corroborate or disprove the account
- know your personal limitations
- know what support is available
- speak to officers and staff with experience of this type of case.

## **Medical considerations**

Investigators/interviewing officers should note that some VOTs may require immediate medical assistance and that this takes priority over all investigative activities. Note, wherever possible and reasonable, the ARC will provide initial medical assistance.

## **17. Investigative considerations**

Members must not automatically seize the passport of the suspect victim but must assess whether it will yield evidence of the offence (e.g. fingerprints of the offender, false document). If it will not, members must obtain only a colour photocopy or scan of it.

Members must not assume that all documents are legitimate and must undertake checks for forgeries.

Members must only seize the mobile telephone of a suspect VOT as necessary to obtain and preserve evidence.

Members must, where possible, either:

- ask VOTs not to alter their telephone content before the AFP can copy it
- at the earliest mutual convenience of the VOT and AFP download the contents

or

- digitally photograph significant details of the telephone's content when the suspect VOT is identified.

Members must note that suspect VOTs may need a new contact number to ensure their safety and that the ARC can assist them to purchase a new SIM card.

Members must identify any scene(s)/locations and ensure they are preserved whilst considering the potential risk to other victims.

Members must consider retrieving the VOT's possessions from premises via:

- consent of the victim or owner of the premises who has key access
- a search warrant.

Members must note that, if the VOT's effects are in a place or premises, that may be evidence for any prosecution.

Members must, if an alleged VOT is determined not to be a victim or does not continue to assist in the investigation, advise as soon as possible:

- DIAC
- OFW
- ARC.

Members may, if the suspect VOT is assessed not to be a VOT, refer them to other assistance agencies, including:

- Salvation Army
- Australian Catholic Religious Against Trafficking in Humans
- Josephite Counter-Trafficking Project
- Australian Government Fair Work Ombudsman
- a workplace ombudsman.

## 18. Disclosable information

Information capable of undermining the prosecution case or assisting the defence case must be disclosed to the defence.

Appointees must coordinate law enforcement and social service provisions for VOTs and brief them on disclosure rules.

The following areas can potentially give rise to information which may be disclosable and care should be exercised when dealing with victims.

This section relating to disclosable information must be read in conjunction with the [Aide mémoire on human trafficking](#).

### **Coaching and rehearsal**

Appointees must:

- ensure debriefing does not invite rehearsal or coaching of the evidence of witnesses
- carefully and sensitively explain to witnesses why they should not talk about their evidence to anyone other than an investigator.

Appointees must ensure evidence is obtained without:

- fear or hope of favour

influence or prompts from any other persons.

## **Inducement**

Appointees must not offer potential inducements to the victim (e.g. assurances on immigration/residency status).

## **Collusion**

Appointees must record if any prior discussion of evidence between VOTs occurs, including details of what was discussed and revealed to the investigator and prosecutor.

## **19. Relationships**

The AFP determines whether a person is a VOT.

Appointees must, wherever possible, follow relevant protocols with partner agencies (Communications and Operations Protocol). Appointees must also:

- notify DIAC within 6 hours of identifying a potential VOT
- arrange for the VOT to be placed into the care of the service provider, presently the ARC, at the earliest opportunity
- before the 45-day assessment phase expires, notify the ARC and DIAC of the determination of the status of the suspect VOT as a victim and apply for a CJSC to be issued as applicable
- where the alleged VOT is determined not to be a victim or is no longer assisting in the investigation and before the VOT exits the support program, teleconference with DIAC and the Office for Women to discuss the decision and possible visa and support strategies
- advise DIAC and the ARC of any overseas movement of the VOT.

Members investigating human trafficking allegations should be familiar with the:

- Anti-People Trafficking Strategy
- Communications and Operations Support Protocol for the Support for Victims of Trafficking Program and the AFP/DIAC Referral Protocol
- Referral Action Flow Chart.

## **20. NGO roles**

When investigating human trafficking crime or developing related strategic plans, appointees must consider the role and function of anti-trafficking NGOs.

## **21. Community education**

AFP investigators must raise awareness of human trafficking and exploitation indicators in the wider community and, where appropriate, provide these factsheets for both employers and employees:

- Employer fact sheet
- Employee fact sheet.

## 22. Further advice

Any queries relevant to the content of this practical guide should be referred to the NCHT.

## 23. References

### Legislation

[Australian Federal Police Act 1979](#) (Cth)

[Crimes Act 1914](#) (Cth)

[Criminal Code Act 1995](#) (Cth)

[Migration Act 1958](#) (Cth)

[Migration Amendment \(Employer Sanctions\) Act 2007](#) (Cth)

[Migration Regulations 1994](#)

[United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons](#) (annex II to UN convention 55/25)

### Additional material

[Aide mémoire on human trafficking](#)

AFP/DIAC Referral Protocol

[AFP PROMIS Procedure 17](#)

[Anti-People Trafficking Strategy](#)

Australian jurisdictions reporting requirements for offences against juveniles

Australian Red Cross After Hours Check List

Australian Red Cross Assessment & Referral Form

Australian Red Cross contact numbers

Bridging Visa F

Communications and Operations Support Protocol

Domestic Violence and Sexual Assault Help Lines

Embassy information

Employee fact sheet

Employer fact sheet

[Guidelines for NGOs working with Trafficked People](#)

Referral action flowchart

Witness Protection Trafficking C Assessment Form