



Note No. 020/2013

The Permanent Mission of Australia to the United Nations presents its compliments to the Secretariat of the United Nations and has the honour to refer to the Note Verbale (LA/COD/59/1) inviting Governments to submit information and observations on the scope and application of universal jurisdiction.

The Permanent Mission of Australia has the honour to provide the following further information on its domestic legal rules with respect to the scope and application of universal jurisdiction, pertaining to slavery and associate offences.

Slavery and associated offences, which are criminalised under Division 270 of the Criminal Code, are subject to two different forms of jurisdiction. For the offence of slavery (section 270.1) Australian courts have jurisdiction over an offence irrespective of whether the perpetrator was within or outside Australian territory at the time the offences were committed.

Other offences under Division 270 are subject to 'category B' jurisdiction. Under category B jurisdiction, where the conduct constituting these offences occurs outside Australia, Australian courts will only have jurisdiction where the perpetrator is an Australian citizen, an Australian resident or an Australia body corporate (s.15.2).

Trafficking in persons (s.271.2 - 271.4) and debt bondage (s.271.8 and s.271.9) offences are subject to category B jurisdiction. Therefore, where these offences occur outside Australia, Australian courts have jurisdiction where the perpetrator is an Australian citizen, resident or body corporate.

On 8 March 2013, the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act 2013 (the Act) entered into force. The Act amended Division 270 of the Criminal Code to introduce two new slavery-like offences: a new offence of forced marriage and a standalone offence of forced labour. In line with the previous approach to slavery-like conduct in Division 270, category B jurisdiction applies to these offences.

The Act has repealed the slavery-like offences of sexual servitude (formerly s. 270.6), and inserted new offences of servitude. The new offences apply to all forms of servitude, regardless of whether the servitude is sexual in nature. The Act has also repealed the offence of deceptive recruiting for sexual services (formerly s. 270.7), and inserted a new offence of deceptive recruiting for labour or services. Category B jurisdiction applies to these offences.

The Permanent Mission of Australia to the United Nations avails itself of this opportunity to renew to the Secretariat of the United Nations the assurances of its highest consideration.



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