



Senate Legal and Constitutional Affairs Legislation Committee

Modern Slavery Bill 2018 Inquiry

Submission from:

ACRATH - Australian Catholic Religious Against Trafficking in Humans

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Australian Catholic Religious Against Trafficking in Humans (ACRATH) welcomes the opportunity to provide a submission to the Senate Standing Committees on Legal and Constitutional Affairs inquiry into the Modern Slavery Bill 2018.

Background to ACRATH's counter trafficking work

ACRATH's vision is to work towards the elimination of human trafficking in Australia, the Asia Pacific region, and globally. ACRATH's strategic plan for 2017-2020 comprises five key objectives:

1. Eliminate forms of human trafficking in sexual exploitations and in forced labour
2. Eliminate forced marriage in Australia and globally
3. Ensure people who have been trafficked access their rights
4. Promote slavery-free supply chains
5. Develop our organisational sustainability and influence

These objectives will be achieved by raising awareness, sharing education resources, acting regionally and nationally, working for systemic change locally and globally, advocating with government and collaborating with counter trafficking networks.

ACRATH has thirteen years experience in collaborating with other NGOs and Government in the fight against human trafficking and slavery. In 2009 ACRATH began work on slavery-free supply chains for chocolate, working with other NGOs. We found the Australian public shocked that there could be slavery in the supply chain of the products they consumed.

The Modern Slavery Bill

ACRATH, with three other NGOs, presented a submission to the Joint Standing Committee of the Department of Foreign Affairs, Defence and Trade's Inquiry into whether Australia should have a Modern Slavery Act.

[https://www.aph.gov.au/Parliamentary Business/Committees/Joint/Foreign Affairs Defence and Trade/ModernSlavery/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Submissions) **Submission 199 and supplementary documents titled** The Freedom Partnership (The Salvation Army, Uniting Church Synod of Victoria and Tasmania, ACRATH, FECCA). ACRATH welcomed the report of this inquiry, *Hidden in Plain Sight*, and the recommendations it contained.

ACRATH welcomed the tabling of the Modern Slavery Bill into Federal Parliament on 28 June. Aspects of the Bill that we affirm include:

- Some entities based, or operating in Australia will be required to report annually on the risks of modern slavery in their operations and supply chains
- These entities will also be required to indicate their actions to address those risks
- Voluntary reporting is available for entities that do not meet the threshold
- The Commonwealth is required to report
- There are mandatory reporting criteria
- The report is to be signed by a responsible member of the entity
- Reports will be kept in a public repository which will be accessible to the public
- The Act will be reviewed in 3 years.

ACRATH affirms the announcement from the Government in May 2018 that an Anti-Slavery Business Engagement Unit will be established to support and provide advice to business on modern slavery risks and manage a central repository of all Modern Slavery Statements.

Recommendations for a stronger Bill

While welcoming the introduction of the Modern Slavery Bill, ACRATH would like to point out some limitations of the proposed legislation.

Recommendation 1

The appointment of an Independent Anti-Slavery Commissioner.

ACRATH believes that the appointment of an independent Anti-Slavery Commissioner is vital. The Commissioner would have oversight of the implementation of the Modern Slavery Act. By being independent the incumbent would not be constrained by being a departmental officer and would be able to act across Government Departments. The Commissioner's role would include:

- Supporting business as a trusted advisor
- Encouraging the implementation of the National Action Plan to Combat Human Trafficking and Slavery
- Encouraging best practice in the prevention of slavery and human trafficking and the support of victims
- Monitoring trends and assessing the impact of policies and legislation relevant to trafficking and slavery
- Coordinating and evaluating responses to instances of human trafficking and slavery
- Coordinating the Australian government domestic response
- Promoting public awareness

Recommendation 2

The establishment of a National Compensation Scheme

While it is pleasing to see the Modern Slavery Bill aims to prevent and/or eradicate slavery from supply chains, it is important that the rights of those who have already been trafficked or enslaved are not overlooked. While trafficking is a Federal crime there is no Federal Compensation scheme for victims of human trafficking. To seek compensation, people who have been trafficked into Australia need to apply through state and territory compensation schemes. These schemes are inadequate for the following reasons:

- The eight state and territory schemes vary with respect to the categories of harm, the time limits for applying and the levels of award. For example, the maximum compensation values range from \$10,000 to \$100,000.
- Compensation must be applied for in the jurisdiction where the crime occurred. If a person has been moved across state and territory borders they need to make multiple applications.
- State and territory offences do not correspond exactly to the Federal offences of human trafficking, slavery and slavery-like practices and so it is not possible for a person to obtain compensation for the full harm they have experienced.

- Not all federal offences have a relevant criminal offence in the State and Territory schemes. While a person who has experienced sexual exploitation can seek compensation for sexual abuse, people who have experienced the federal offences of slavery, servitude, forced labour, forced marriage and debt bondage may be unable to access compensation in State and Territory jurisdictions and so be denied an effective remedy

Receiving compensation is a very important part of a person's recovery. It empowers the person and can assist in the prevention of the person being re-trafficked.

Thank you again for this opportunity to present a submission.

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