

Senate Foreign Affairs Defence and Trade Legislation Committee
Inquiry into Customs Amendment (Banning Goods Produced By Uyghur Forced Labour)
Bill 2020, Public Hearing, 2020 - 2021

QUESTION ON NOTICE / Spoken

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Topic: Business advice

Senator Rex Patrick

Question

Senator PATRICK: That's a policy decision by government, is it, that you won't go to specific advice about Xinjiang?

Ms Cawte: Written advice? Our practice has not been country-specific written business advisories.

Senator PATRICK: I am just trying to establish: is that something you just haven't done or is it something you're prevented from doing by way of policy?

Ms Cawte: I think, broadly, our position is that these concerns are often global, not specific.

Senator PATRICK: No, that's not the question I asked.

CHAIR: Can you take that on notice then, please, and provide a specific answer to Senator Patrick

Senator PATRICK: I just want to understand whether there's a fettering; whether the policy stops you from doing that or you simply just haven't done it. They're two different things. I'm happy for that to be taken on notice.

Answer

Modern slavery, including forced labour, is a significant global concern and not limited to a specific country. The approach of the Government has been to provide written guidance aimed at ensuring businesses are aware of their responsibilities including under the *Modern Slavery Act 2018*. The Government also provides advice on specific risks, including on Xinjiang, through briefing and outreach.

The Government, including the Foreign Minister, has clearly communicated both publicly and privately our concerns about Xinjiang, including about forced labour. The Foreign Minister issued a joint statement, with her New Zealand counterpart, on 23 March 2021 noting Australia's grave concerns about the growing number of credible reports of severe human rights abuses against ethnic Uighurs and other Muslim minorities in Xinjiang, including forced labour.

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Topic: US Entity List

Senator Rex Patrick

Question

Senator PATRICK: Alright. So, can someone else answer that question for me? The question is: do you know whether any of these companies that are on the US Entity List work with Australian suppliers or importers?

Ms Holben: I'm not aware, no.

Mr Hawkins: I'm not aware either.

CHAIR: But have you tried to have a look and check?

Ms Manton: We could take that on notice.

Senator PATRICK: I'd ask you to do that, to take it on notice to see where the crossover is.

Answer

The approach that other countries take to address forced labour in their supply chains depends on a number of factors, including their respective regulatory and legislative environments. We are aware of the US Department of Commerce's Bureau of Industry and Security (BIS) Entity List.

We encourage Australian businesses to consider other countries' laws, including license requirements, which may affect their operations and seek independent legal advice as appropriate.