

Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023

SENATE LEGAL AND CONSTITUTIONAL AFFAIRS
LEGISLATION COMMITTEE

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Anti-Slavery Australia

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About Anti-Slavery Australia

Anti-Slavery Australia, at the University of Technology Sydney, is the only specialist legal, research and policy centre in Australia working to prioritise the lived experience of survivors to end modern slavery. Since 2003, our team has been providing pro bono legal and migration services to people who have experienced or are at-risk of modern slavery in Australia; engaging in research and advocacy grounded in the firsthand experience of survivors; and delivering training on modern slavery to frontline service providers, government, community, law enforcement, student and educators.

Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023 (the Bill)

Anti-Slavery Australia supports the Bill to amend the Modern Slavery Act 2018 establish the Australian Anti-Slavery Commissioner (Commissioner) as an independent statutory office holder.

Anti-Slavery Australia has advocated for the establishment of the position of a national Anti-Slavery Commissioner through multiple Parliamentary Committees, including through submissions made to the Joint Committee on Law Enforcement Inquiry into Human trafficking, slavery and slavery-like practices, in 2016 and to the Joint Standing Committee on Foreign Affairs, Defence and Trade in the Inquiry into establishing a Modern Slavery Act in Australia as reported in the final report [Hidden in Plain Sight](#) 2017.

In other areas, ASA addressed the importance of the national Anti-Slavery Commissioner in a submission to the UN Special Rapporteur on the Human Rights of Migrants, Francois Crepaeau in 2016.

Lived experience and survivor engagement

In this short submission provided after the Committee hearings into the Bill, we limit our comments by briefly noting two key developments that may assist the Committee.

The first is to provide a link to a report [Beyond Storytelling: towards survivor-informed responses to modern slavery](#) and the second to highlight a new resource developed and produced by Helena Hassani and Habiba drawing on their personal and professional experience of forced marriage with the purpose of building awareness and understanding

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about forced marriage in Australia. The Speak Now project is a forced marriage education and prevention project designed to strengthen consent-based decision making about marriage and relationships. The project is funded by the Department of Social Services to promote awareness about forced marriage, build the capacity of frontline workers and increase support to those affected. One initiative of the Speak Now project was to develop an 8 part podcast series about forced marriage in Australia. [Speak Now About Forced Marriage](#) led by people with lived experience.

Beyond Storytelling: towards survivor informed responses to modern slavery

focusses on the essential contribution that survivors can make to the design, implementation, monitoring and evaluation of Australia's response to modern slavery.

Beyond Storytelling was informed by survivors and other stakeholders to highlight the importance of survivor leadership and participation. Beyond Storytelling was written by Frances Simmons and Jennifer Burn at the University of Technology Sydney, September 2022.

Beyond Storytelling concluded with 6 recommendations to the Australian Government, including to establish a statutory Advisory Council with broad functions, to provide advice and guidance to the Commonwealth Government on the development, implementation and evaluation of the next National Action Plan to Combat Modern Slavery, (Recommendation 1). Other recommendations relate to the importance of funding positions for people with lived experience in the development of the National Action Plan and in grants programs; promotion of training of government officials led by survivor led organisations or non-government organisations working with survivors on strategies to engage with and engage with survivors; promoting the voice of survivors in reviews of the Modern Slavery Act; and co-design and co-production of research with survivors. The final recommendation dealt with the need for organisations working directly with survivors to develop good practice frameworks to guide survivor engagement to ensure that engagement is meaningful, respectful and sustainable.

A full list of the Report recommendations follows:

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The Australian Government has an opportunity to embed survivor expertise in the development of the next National Action Plan and ensure survivors' voices are heard in the first statutory review of the Modern Slavery Act. A commitment to survivor-centred responses to modern slavery has implications for **Government**, in the design, implementation and evaluation of responses to modern slavery, for **civil society**, particularly those organisations working directly with survivors, and for **business** in identifying and addressing modern slavery risks in their operations and supply chains, and establishing effective monitoring, grievance and remediation mechanisms. This report echoes and supports calls made by survivors of modern slavery to invest programs, policies, and partnerships that support survivor-leadership.

This report makes the following recommendations to Government:

RECOMMENDATION 1

Establish a statutory Survivor Advisory Council with broad functions, including to provide advice and guidance to the Commonwealth Government on the development, implementation and evaluation of the next National Action Plan to Combat Modern Slavery.

Ensure members of the Survivor Advisory Council receive appropriate remuneration and support. This remuneration should be the responsibility of the Commonwealth Government and appropriate arrangements should be made to ensure the Council is independent from the Government of the day.

RECOMMENDATION 2

Dedicate funding for positions with people with lived experience of modern slavery in the development of the National Action Plan and in grants project funding under the next National Action Plan.

RECOMMENDATION 3

Encourage government officials to undertake training with survivor led organisations or non-government organisations working in partnership with survivors on strategies to engage with and consult with survivors.

RECOMMENDATION 4

Ensure the review of the Modern Slavery Act is informed by the voices of survivors by developing proactive strategies to seek the views of survivors.

The report makes the following recommendations to Government, universities, business and civil society.

RECOMMENDATION 5

Invest in research about modern slavery that is co-designed and co-produced with survivors.

Invest in educational fellowships and training opportunities for survivors, respecting the fact that survivors may not wish to publicly identify as survivors of modern slavery.

RECOMMENDATION 6

Organisations working directly with survivors of modern slavery or undertaking work that impacts directly on the rights of survivors should develop frameworks to guide their work with survivors and develop strategies to engage with people with lived experience in ways that are meaningful, respectful, ethical and sustainable.



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