



Josephite Counter-Trafficking Project

SUBMISSION:
Comments on Modern Slavery Bill 2018

Submission:

Modern Slavery Bill 2018

Senate Legal and Constitutional Affairs Legislation Committee

Josephite Counter-Trafficking Project

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Josephite Counter-Trafficking Project appreciates the invitation to comment on the Modern slavery Bill 2018 being presented to the Senate. We commend the government's initiatives to address the issue of Slavery through the proposed Modern Slavery Bill 2018.

ABOUT JOSEPHITE COUNTER-TRAFFICKING PROJECT (JCTP)

Josephite Counter-Trafficking Project (JCTP) is a Congregational project of the Sisters of St Joseph of the Sacred Heart which was established in 2005 to promote, by way of holistic direct services, the spiritual, physical and emotional development of people who have undergone the trauma of being trafficked to Australia.

JCTP believes that any response to the Trafficking of Persons in Australia should have a human rights approach. We acknowledge that criminal proceedings do act as a deterrent to Traffickers but we are more concerned about the human dignity and well-being of the trafficked person.

Since 2005 JCTP has developed networks among others working on the issue of trafficking and in collaboration with the Australian Border Force, Australian Federal Police (AFP), Red Cross, Salvation Army and other NGOs. JCTP provides support and direct services to trafficked children, women and men, including reintegration and repatriation programs. We have also conducted a survey in 2007 on the social needs of Trafficked women.

JCTP has run awareness-raising programs for schools, parishes and the wider community. We continue to support and advocate for trafficked persons and those who have been victims of forced marriage, with Government and Non-Government Organisations.

Weekly visits have been and are being made to Villawood Detention Centre where we met women who had been trafficked into brothels. We also met men and women who had been trafficked into the labour force. They had been arrested and detained for working illegally in a vineyard.

We believe that because of the complex nature of Trafficking of Persons it is of vital importance that Government agencies, NGOs and individuals work together to address the issue of Human Trafficking. This view has been confirmed by the papers presented by Caritas Internationalis and other NGOs in 2016.



JCTP welcomes the introduction of the Modern Slavery Bill 2018, following the Report 'Hidden in Plain Sight', from the April 2018 Inquiry into Human Trafficking.

It is good to see that this Bill picks up the following areas of concern from the more than 200 Submissions in April 2018, which we affirm:

1. The requirement that entities with an “annual consolidated revenue of more than \$100 million to report annually on the risks of modern slavery in their operations and supply chains, and actions to address those risks”. We also affirm the inclusion of reporting from the Commonwealth and the provision for voluntary reporting from other entities outside the threshold.

However, we note that the threshold which was passed by the NSW Government in June 2018 was for \$50 million. We recommend that for conformity the proposed threshold could be \$50million, in alignment with that of the NSW Government.

States and Territories are not included in the mandatory reporting and JCTP suggests that they be encouraged to do so by the Commonwealth government.

2. The requirement that a responsible member of the Entity is required to sign their Modern Slavery Statement, makes good sense.

The creation of a public repository for the Modern Slavery Statements Register which can be accessed freely on the internet by the general public is a positive way forward to ensuring that companies are doing the right thing to slave proof their products. This will help in ensuring that we as consumers are not, unwittingly, engendering slavery in the supply chain of goods and services that we benefit from.

However, Mandatory Reporting without penalties for non-compliance is like a toothless tiger. There is nothing in the Bill that encourages compliance if nothing happens if an entity does not report on slavery in their supply chain. This is borne out in the UK experience where less than 30% of companies have reported due to the absence of incentives or penalties.

JCTP proposes that penalties for non-compliance be included in the Bill. These penalties are meant to encourage reporting and need not be monetary. Penalties could be phased in



during the three years to give entities time to comply adequately. Incentives such as the tabling and naming of those that do not report, in Parliament, as well as their ineligibility for Government contracts or grants are examples of penalties for non-compliance.

OTHER AMENDMENTS TO BE INCLUDED IN THE BILL

I. The appointment of an Independent Anti-Slavery Commissioner

Due to the complex nature of Modern Day Slavery which involves many different Government Agencies and NGOs, JCTP recommends that an Independent Anti-Slavery Commissioner be appointed to help with the implementation of policies. The Commissioner would be independent of other government agencies and the role would be to oversee the Act with powers to monitor laws and hold business and the Government accountable. It would also be the responsibility of the Commissioner to provide proper support and assistance and to have an advocacy role for victims of human trafficking which is not conditional on their willingness or ability to cooperate with criminal justice agencies in the prosecution of their exploiters.

II. Registration and monitoring of Labour Hire Agencies.

Since last year NGOs have been advocating that the Federal Government licence labour hire companies as a way to protect migrant workers. The states of Victoria, South Australia and Queensland have now taken the lead in doing something to protect vulnerable migrant workers.

JCTP recommends that the Bill will address this issue with the licensing of labour hire companies which are well monitored and that there is a list of such companies available to employers and migrant workers to prevent the exploitation of workers, who have to work long hours, under harsh conditions and are underpaid or even unpaid. Victoria has already taken steps to do so.

III. A National Compensation Scheme

In her report on Australia in May 2012, Ms Joy Ngozi Ezeilo the UN Special Rapporteur on Trafficking in Persons noted that “Australia has international law



obligations to provide survivors of human trafficking with access to effective remedies, and that the establishment of a comprehensive national framework for victim's compensation would be in accordance in such obligations.”¹

Since there is no consistent Federal compensation scheme victims of Human Trafficking have to apply for compensation from states or territories where the crime is committed. Compensation also varies from each state or territory and victims of trafficking and slavery acts face different compensation outcomes.

JCTP recommends that a comprehensive and consistent National Compensation Scheme be added to the Bill to make restitution for the harm that has been suffered by victims of trafficking.

JCTP thanks the Senate Legal and Constitutional Affairs Legislation Committee for the opportunity to comment on the proposed Modern Slavery Bill 2018.

¹ Burn, J & McLeod, F. *Report on Establishing a National Compensation Scheme*. P.17.