



**Australian  
Human Rights  
Commission**

# Inquiry into Human Trafficking

**AUSTRALIAN HUMAN RIGHTS COMMISSION SUBMISSION TO THE  
PARLIAMENTARY JOINT COMMITTEE ON LAW ENFORCEMENT**

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## 1 Introduction

1. The Australian Human Rights Commission makes this submission to the Parliamentary Joint Committee on Law Enforcement in its Inquiry into Human Trafficking.

## 2 Summary

2. The Australian Human Rights Commission welcomes the opportunity to make this submission to the Inquiry into Human Trafficking.
3. The Commission's submission focuses on the following elements of the Inquiry's terms of reference:

Examine Commonwealth law enforcement responses to human trafficking, including slavery, slavery-like practices (such as servitude, forced marriage and forced labour), in particular:

- the role and effectiveness of Commonwealth law enforcement agencies in responding to human trafficking;
  - practical measures and policies that would address human trafficking;
  - the extent to which human trafficking is facilitated by migration visas
  - the effectiveness of relevant Commonwealth legislation and policies; and
  - other related issues.
4. There has been a positive focus on reforms related to human trafficking slavery and slavery-like practices (hereafter referred to as 'trafficking and slavery') that have contributed to Australia's further alignment with its human rights obligations. These positive reforms have included:
    - *Crimes Legislation Amendment (Slavery, Slavery-like, Conditions and People Trafficking) Act 2012*, which brought Australian laws on trafficking and slavery into line with Australia's human rights obligations by:
      - establishing new offences of forced marriage and harbouring a survivor, and standalone offences of forced labour and organ trafficking;
      - broadening the existing offences of sexual servitude and deceptive recruiting for sexual services to apply to all forms of servitude and deceptive recruiting, regardless of industry;
      - ensuring those who help third persons commit people trafficking, slavery or slavery-like offences can be charged as well as the primary perpetrators of those crimes; and
      - increasing the penalties for existing debt bondage offences.
    - *Crimes Legislation Amendment (Law Enforcement Integrity, Vulnerable Witness Protection and Other Measures) Act 2013 (Cth)*, which increased protection and support to vulnerable survivors and witnesses, including

children, in Commonwealth criminal proceedings for trafficking and slavery offences.

- *Crimes Legislation Amendment (Powers, Offences and Other Measures) Act 2015* (Cth) which amended the definition of forced marriage in s 270.7A of the Commonwealth *Criminal Code*, to increase the protections against forced marriage for children and persons with a disability who do not have the capacity to provide free and full consent to marriage.
  - Report of the Joint Standing Committee on Foreign Affairs, Defence and Trade, Human Rights Sub-Committee Inquiry into Slavery, Slavery-like Conditions and People Trafficking, [Trading Lives: Modern Day Human Trafficking](#) (2013).
  - The commencement of the [National Action Plan to Combat Human Trafficking and Slavery 2015 – 2019](#) (hereafter referred to as the National Action Plan).
  - Reforms to the Human Trafficking Visa Framework introduced in 2015 including: making it available for survivors of slavery and slavery-like practices such as forced marriage and forced labour; renaming it to remove the stigma associated with it; enabling recipients to maintain their lawful status; waiving the Newly Arrived Resident's Waiting Period and enabling recipients to access English classes, social security payments and other services.
5. The Commission also welcomes the production of culturally appropriate, rights based, materials for affected people and communities, people at risk, community organisations, law enforcement officers and government officials on the new trafficking and slavery offences:
- [Human trafficking guidelines and fact sheets](#)
  - [Forced Marriage Community Pack](#) (translated in several languages)
  - [My Blue Sky – End forced marriage in Australia](#)
6. However, there are key areas of reform that remain outstanding and are outlined in this submission. Their implementation would further ensure Australia's compliance with its human rights obligations, better protect the rights of vulnerable people and improve the effectiveness of the implementation of the National Action Plan.

### **3 Recommendations**

7. The Commission makes the following recommendations:

Recommendation 1: The Australian Government ensure a human rights based approach informs all measures to prevent, protect and provide redress to people who are survivors of trafficking and slavery.

Recommendation 2: The Australian Government consider establishing an independent oversight mechanism to monitor and review the implementation of the National Action Plan and the effectiveness of anti-trafficking and anti-slavery responses and strategies.

Recommendation 3: The Australian Government ratify:

- *Convention on Protection of the Rights of All Migrant Workers and Members of Their Families*
- *ILO Protocol of 2014 to the Forced Labour Convention, 1930*
- *ILO Convention 189 on Decent Work for Domestic Workers*

Recommendation 4: The Australian Government develop a federal survivors' compensation scheme for survivors of trafficking and slavery.

Recommendation 5: The Australian Government allow for general protective and preventative orders be issued for people over the age of 18 years in relation to forced marriage.

Recommendation 6: In relation to child survivors of trafficking and slavery the Australian Government:

- undertake comprehensive data collection and research on the prevalence of child survivors of trafficking and slavery
- implement measures for providing specialist child specific services for child survivors of trafficking and slavery, non-citizen minors and unaccompanied minors, in accordance with the best interests of the child principle and the UNICEF 'Guidelines on the Protection for Child Survivors of Trafficking' (2006)
- develop clear guidelines for agencies on how to deal with child survivors of trafficking and slavery on issues including guardianship, housing, access to education, confidentiality and privacy, access to independent lawyers and protecting the best interests of child

Recommendation 7: The Australian Government look to develop transparent measures to regulate trafficking and slavery within supply chains.

Recommendation 8: The Australian Government develop a national action plan on business and human rights.

Recommendation 9: The Australian Government establish a national licensing regime for labour hire businesses in specific industries with a high risk of people on temporary work visas being subjected to trafficking and slavery.

#### **4 Human rights based approach to trafficking and slavery**

8. Australia has ratified the *United Nations Convention against Transnational Organized Crime* (UNTOC) and the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the Convention on Transnational Crime* (the Trafficking Protocol) and is signatory to the *Convention Against Slavery* (1926).

9. Australia has also ratified other conventions that prohibit different forms of exploitation that may occur in trafficking or slavery and slavery-like situations including debt bondage, forced labour, child labour and forced marriage. These include the International Covenant on Civil and Political Rights (ICCPR), the Convention on the Rights of Elimination of All forms of Discrimination Against Women (CEDAW), the Convention on the Rights of the Child (CRC) and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC Optional Protocol). Australia has also ratified related ILO Conventions<sup>1</sup>. As a state party to these conventions the Australian Government has an obligation to prevent trafficking and slavery and protect the rights of people who are survivors of trafficking and slavery, particularly women and children.
10. Further, the United Nations High Commissioner for Human Rights' issued the *Recommended Principles and Guidelines on Human Rights and Human Trafficking*. The Principles and Guidelines recommend that the promotion and protection of human rights should be at the centre of all efforts to prevent and combat trafficking and to protect, assist and provide redress to survivors.<sup>2</sup>
11. The CEDAW Committee in its review of Australia in 2010 recommended Australia adopt a human rights framework in its revised action plan and consider complementary approaches to the current criminal justice approach. In particular the Committee recommended the Australian Government:
  - improve coordination among government agencies involved in anti-trafficking responses
  - review the return and reintegration of trafficking survivors procedures and develop guidelines for repatriation for police and other relevant personnel
  - review the accommodation available for women trafficked into Australia with a view to offering more options and reducing stress on the survivors
  - undertake an impact assessment of the Bali Process in order to ensure the sustainability of its networking among the countries under this project
  - evaluate and monitor the Asia Regional Trafficking in Persons Project (ARTIP)
  - continue providing assistance to member States of the Association of Southeast Asian Nations (ASEAN) for improving investigation and judicial process in cases of trafficking in human beings.<sup>3</sup>
12. The Human Rights Committee in its review of Australia in 2009 noted that, despite the positive measures adopted by Australia, trafficking in human beings, especially women, persists in Australia. The Committee recommended the Australian Government strengthen its measures to prevent and eradicate trafficking in human beings, including by adopting a comprehensive strategy, and providing equal assistance and protection to all survivors identified regardless of their participation or otherwise in criminal proceedings against perpetrators.<sup>4</sup>
13. The CRC Committee in its concluding observations on Australia under the *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* recommended the Australian Government undertake awareness-raising programs (particularly for children

vulnerable to being survivors of offences under the CRC Optional Protocol) and comprehensive training programs for all relevant professional groups, ministries and institutions at federal and State/Territory levels working with and for children.

14. The UN Special Rapporteur on trafficking in persons, especially women and children, in her report on her Mission to Australia in 2011 made several recommendations for better protecting the rights of survivors, including children.<sup>5</sup>
15. In the 2015 Universal Periodic Review of Australia, several recommendations were made relating to trafficking and slavery including:
  - Improve coordination on trafficking, the monitoring of the implementation of anti-trafficking legislation, and ensure the rights of survivors are protected, including the right to redress and economic and social support;
  - promote a human rights based approach to survivors of trafficking;
  - ratify the *Convention on Protection of the Rights of All Migrant Workers and Members of Their Families*
16. To ensure effective implementation of the National Action Plan, and to respond to the above recommendations from human rights bodies and Special Procedures, it is necessary to incorporate a human rights based approach to the implementation of the National Action Plan.
17. There is also a need for a continued focus and prioritisation by the Australian Government on the full implementation of the National Action Plan.
18. **Recommendation 1:** The Australian Government ensure a human rights based approach informs all measures to prevent, protect and redress trafficking and slavery.

#### **4.1 Independent oversight mechanism**

19. To strengthen the implementation of the National Action Plan, there would be value in establishing an independent oversight mechanism to monitor and review the implementation of the national plan and the effectiveness of anti-trafficking and anti-slavery responses and strategies. Such a mechanism would need to be properly and adequately funded.<sup>6</sup>
20. The Special Rapporteur made related recommendations in her Australian Mission report:

Appoint a national coordinator or rapporteur to oversee and monitor the national response to multi-agency work on trafficking.

Consider appointing an ambassador for human trafficking to further strengthen ...[the]...profile on this issue and to complement the work of the Ambassador for People Smuggling Issues within the Pacific region, South-East Asia and globally.<sup>7</sup>

21. **Recommendation 2:** The Australian Government consider establishing an independent oversight mechanism to monitor and review the implementation of the National Action Plan and the effectiveness of anti-trafficking and anti-slavery responses and strategies.

#### **4.2 Ratification of relevant Conventions and Protocols**

22. The Commission considers there would be value in Australia ratifying the *Convention on Protection of the Rights of All Migrant Workers and Members of Their Families* and the *ILO Protocol of 2014 to the Forced Labour Convention, 1930* and note the *ILO Forced Labour (Supplementary Measures) Recommendation, 2014 (No. 203)*. This would respond to the recommendations from human rights bodies and Special Procedures and better promote and protect the rights of survivors, particularly the rights of specific groups who are vulnerable to trafficking and slavery, such as migrant workers.
23. Further, ratification of *ILO Convention 189 on Decent Work for Domestic Workers* would facilitate protection for the rights of domestic workers, including migrant domestic workers in Australia who are vulnerable to exploitation and abuse.
24. **Recommendation 3:** The Australian Government ratify:
- *Convention on Protection of the Rights of All Migrant Workers and Members of Their Families*
  - *ILO Protocol of 2014 to the Forced Labour Convention, 1930*
  - *ILO Convention 189 on Decent Work for Domestic Workers*

### **5 Federal compensation scheme**

25. Access to appropriate compensation and restitution has been identified as being key to the right to a remedy in relation to trafficking, slavery and slavery-like conditions.

UNTOC Article 25(2): Each State Party shall establish appropriate procedures to provide access to compensation and restitution for survivors of offences covered by this Convention.

Trafficking Protocol Article 6(6): Each State Party shall ensure that its domestic legal system contains measures that offer survivors of trafficking in persons the possibility of obtaining compensation for damage suffered.<sup>8</sup>

26. An effective remedy is an essential component of human rights under the International Covenant on Civil and Political Rights (ICCPR):

ICCPR Article 2.3 : Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;



27. Currently, there are significant practical obstacles that may prevent a survivor of trafficking and slavery from making compensation claims and seeking reparations. These obstacles include, obtaining legal advice about claiming compensation, a lack of visa options to stay in Australia to pursue compensation claims, and the limited legal avenues to pursue compensation claims.
28. Further, the existing compensation mechanisms at the State and Territory level are not consistent with the Commonwealth crimes of trafficking and slavery. Therefore compensation claims for these Commonwealth offences may not be able to be made under State and Territory compensation schemes.
29. To the extent that there is not sufficient coverage for these crimes under existing compensation schemes, the right to a remedy for survivors of trafficking and slavery is not fulfilled.
30. The Special Rapporteur on, in her Australian Mission report recommended the Australian Government establish, at the federal level, a comprehensive compensation scheme for survivors of trafficking.<sup>9</sup>
31. With regards to redress for forced labour, the Special Rapporteur positively commented on the provision for recovery of unpaid wages under the *Fair Work Act 2009* (Cth). Under this Act, civil penalties can be imposed on top of orders for the reimbursement of unpaid wages.<sup>10</sup>
32. **Recommendation 4:** The Australian Government develop a federal survivors' compensation scheme for survivors of trafficking, slavery and slavery-like conditions.

## 6 Support for survivors

33. Currently, the Referred (Permanent) (Class DH) Visa, and related access to support services, is contingent on a survivor of trafficking and slavery contributing to criminal investigations. To ensure the rights of survivors of trafficking and slavery are properly protected, and to ensure their access to necessary support services, it is important to delink support for survivors from the requirement to have contributed to criminal investigations. This delinking was recommended by the Special Rapporteur.<sup>11</sup>
34. The Commission refers the Committee to the Special Rapporteur's report, for further recommendations on how to improve the current system. For example:
  - (e) Provide support services for dependents and relatives of survivors of trafficking who migrate to Australia
  - (f) Increase funding assistance for service providers and civil society organizations to provide support services, especially housing, for survivors of trafficking and slavery
  - (h) Strengthen criminal justice capacity to identify and confiscate assets and proceeds of trafficking-related crimes, and develop mechanisms and procedures to enable assets and proceeds to be used for continuing support to survivors of trafficking.<sup>12</sup>

35. In relation to the offence of forced marriage there are some emerging gaps in the protection and support available for survivors of forced marriage or those at risk of forced marriage.
36. The Family Court of Australia and the Federal Circuit Court of Australia can issue protective and preventative orders for children at risk of forced marriage. However, there is currently no civil protection order available for young women aged over 18 years who are at risk of forced marriage. Such a protection order has been introduced in other jurisdictions for example, the United Kingdom Forced marriage protection order which allows those at risk or their advocates to apply for a protective order, regardless of the age of the person at risk.
37. The *Migration Regulations 1994* (Cth) allow for a permanent visa to be granted to a person experiencing family violence within a marriage, but is subject to proof of a genuine relationship. The Commission notes that this requirement may be difficult to provide in situations of forced marriage. This highlights a current limitation in the Partner Visa Framework for situations of forced marriage. The Partner Visa Framework could be amended to cover situations of forced marriage.
38. **Recommendation 5:** The Australian Government allow for general protective and preventative orders be issued for people over the age of 18 years in relation to forced marriage.

## 7. Supporting and protecting children

39. A child survivor of trafficking and slavery who has been identified as an unaccompanied minor will generally have access to the same range of government services as all Australians – including education or language classes.
40. The Commission remains concerned that:
  - There continues to be a lack of data and research on the prevalence of child trafficking and slavery in Australia;
  - Where a child survivor of trafficking and slavery is not officially identified as an unaccompanied minor, he or she may not have access to the same level of government services as a child survivor of trafficking and slavery who is identified as an unaccompanied minor;
  - There is a need for specific policy guidelines to be developed on protecting the rights of child survivors of trafficking and slavery in Australia, especially during police investigations and prosecutions;
  - Ongoing support services should be available to child survivors of trafficking and slavery even where they are unwilling or unable to assist police investigations or prosecutions;
  - The survivor support program is insufficiently funded to provide specific services and support that respond to (a) the specific needs of child survivors of trafficking and slavery, especially forced marriage, and (b) the

needs of adult survivors of trafficking and slavery, with dependent children either in Australia or offshore; and

- The process of reunifying adult survivors of trafficking and slavery with dependent children offshore often takes years. This is distressing for families and can leave the children of trafficking and slavery survivors exposed to dangers in the country of origin. When survivors of trafficking and slavery are reunited with their children (under the people trafficking visa framework) it is essential that appropriate settlement services are made available to help trafficked people and their families build a new life in the Australian community.
41. There are also concerns that State and Territory child protection and other agencies need to be better resourced and skilled in meeting the needs of child survivors of trafficking and slavery who remain in Australia.
42. **Recommendation 6:** In relation to child survivors of trafficking and slavery the Australian Government:
- undertake comprehensive data collection and research on the prevalence of child survivors of trafficking and slavery;
  - implement measures for providing specialist child specific services for child survivors of trafficking and slavery, non-citizen minors and unaccompanied minors, in accordance with the best interests of the child principle and the UNICEF 'Guidelines on the Protection for Child Survivors of Trafficking' (2006);
  - develop age appropriate materials for children and young people on their rights in relation to trafficking and slavery;
  - develop clear guidelines for agencies on how to deal with child survivors of trafficking and slavery on issues including guardianship, housing, access to education, confidentiality and privacy, access to independent lawyers and protecting the best interests of child;<sup>13</sup>
  - ratify the *Optional Protocol to the Convention on the Rights of the Child on a communications procedure*.

## 8. Supply chains

43. The United Nations Guiding Principles on Business and Human Rights<sup>14</sup> are a global standard for preventing and addressing adverse human rights impacts related to business that are being supported and implemented by a growing number of Australian companies, the Australian Government and civil society.
44. The UN Guiding Principles require business enterprises to 'prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts'.<sup>15</sup>
45. Negative human rights impacts can occur at any level of a business's supply chain – from direct suppliers (also known as Tier 1 suppliers) to several layers of subcontractors that supply products and raw materials to direct suppliers.

46. Since 2014, the Supply Chains Working Group of the National Roundtable on Human Trafficking and Slavery, has been examining ways to address serious forms of labour exploitation in the supply chains of goods and services.
47. Supply chain challenges have also been a key point of multi-stakeholder discussion at Australia's annual national dialogue on business and human rights, led by the Global Compact Network Australia in partnership with the Commission.<sup>16</sup>
48. In 2015 the Commission partnered with the Australian Centre for Corporate Social Responsibility and the Global Compact Network Australia to produce the report 'Human rights in supply chains: promoting positive practice'.<sup>17</sup> The research mapped how Australian businesses currently deal with human rights issues in their supply chains. The study focused primarily on the finance sector and the agriculture and food supply sector.
49. Many respondents to the research survey said they have a responsible sourcing policy. However, clear processes and accountabilities to integrate human rights standards into supplier practices, effectively identify potential issues and take corrective action remain largely underdeveloped. The results suggest that Australian businesses are still falling short in gaining visibility and adequately responding to potential human rights risks that may exist at different stages of the supply chain.
50. The report points to opportunities for increasing visibility and power to influence human rights outcomes through stronger relationships and partnerships. However, the results also highlight the need for further regulation measures.
51. The Special Rapporteur of slavery in her annual report on eradicating contemporary forms of slavery in supply chains recommended:

States are strongly encouraged to adopt effective legislation requiring transparency in supply chains, human rights due diligence throughout supply chains, public reporting and disclosures of businesses, as well as measures relating to procurement practices, and to guarantee its implementation;

States should invest in research and collection and analysis of data on the scope and prevalence of contemporary forms of slavery in supply chains, specific commodities, sectors, the informal economy and in domestic production as the foundation for effective policy and strategy formulation by both public and private sector actors.<sup>18</sup>
52. She also recommended that States develop, enact and update a national action plan on business and human rights.<sup>19</sup>
53. **Recommendation 7:** The Australian Government look to develop transparent measures to regulate trafficking and slavery within supply chains.
54. **Recommendation 8:** The Australian Government develop a national action plan on business and human rights.

## 9. Exploitation of Migrant Workers

55. The Commission is concerned about the increasing evidence of exploitation of migrant workers in the agriculture and fresh food industries in Australia. In particular workers on a 417 temporary holiday visa and part of the government's Seasonable Worker Programme (subclass 416 visa) are vulnerable to exploitation. Examples of such exploitation includes sham contracting arrangements, the underpayment of wages, the denial of employment entitlements, poor working conditions, physical and sexual abuse, requests for money or sexual favours in exchange for visa, employment discrimination, racism and labour trafficking.
56. In the past year alone, several significant reports have focused on this issue. A joint Fairfax Media and Monash University investigation brought to light the underpayment and exploitation of thousands of foreign workers in the fruit picking and meat processing industries.<sup>20</sup> In addition, the Fair Work Ombudsman's inquiry into the labour procurement arrangements of the Baiada Group highlighted how big business was utilising sham contracting arrangements to deny foreign workers their employment entitlements.<sup>21</sup>
57. In its interim report into Australia's temporary work visa program, the Senate Standing Committees on Education and Employment examined the significant risk which migrant workers were exposed to due to the lack of regulation of labour hire companies. The Committee noted that given the potential for labour hire companies to be wound up upon investigation and then re-form under a different guise, questions about illegal phoenix behaviour arise.<sup>22</sup> This may impact upon the ability of workers on temporary visas to access their full entitlements.<sup>23</sup>
58. The Productivity Commission considered issues of exploitation of migrant workers in its Workplace Relations Framework Inquiry Report in 2015. The Commission refers the Committee to the Productivity Commission's findings and recommendations regarding exploitation of migrant workers.<sup>24</sup>
59. **Recommendation 9:** The Australian Government establish a national licensing regime for labour hire businesses in specific industries with a high risk of people on temporary work visas being subjected to trafficking and slavery.

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<sup>1</sup> ILO *Convention 29 on Forced Labour* (1930); ILO *Convention 105 on Abolition of Forced Labour* (1957).

<sup>2</sup> Office of the High Commissioner for Human Rights, *Recommended Principles and Guidelines on Human Rights and Human Trafficking*, presented to the Economic and Social Council as an addendum to the report of the United Nations High Commissioner for Human Rights (E/2002/68/Add.1) (2002).

<sup>3</sup> CEDAW Committee, *Concluding Observations Australia*, UN Doc CEDAW/C/AUL/CO/7, at 30 and 31 (2010).

<sup>4</sup> Human Rights Committee, *Concluding Observations Australia* UN Doc CCPR/C/AUS/CO/5, at 22 (2009).

<sup>5</sup> Special Rapporteur on trafficking in persons, especially women and children, *Mission to Australia*, (2012), UN Doc A/HRC/20/18/Add.1, para 50, 82. At <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (viewed 24 February 2016).

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<sup>6</sup> Such oversight mechanisms for trafficking and slavery have been introduced in other jurisdictions including Finland, the Netherlands and the United Kingdom. See: [Independent Anti-Slavery Commissioner, UK](#), [National Rapporteur on Trafficking in Human Beings, Finland](#) and [National Rapporteur on Trafficking in Human Beings and Sexual Violence against Children](#).

<sup>7</sup> Special Rapporteur on trafficking in persons, especially women and children, *Mission to Australia*, (2012), UN Doc A/HRC/20/18/Add.1, paras 80(c); 86 (e). At <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (viewed 24 February 2016).

<sup>8</sup> *United Nations Convention and Transnational Organized Crime, General Assembly resolution 55/25* (2000); *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, General Assembly resolution 55/25* (2003).

<sup>9</sup> Special Rapporteur on trafficking in persons, especially women and children, *Mission to Australia*, (2012), UN Doc A/HRC/20/18/Add.1, para 82 (g). At <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (viewed 24 February 2016).

The Joint Standing Committee on Foreign Affairs, Defence and Trade, Human Rights Sub-Committee in its report on the Inquiry into Slavery, Slavery-like Conditions and People Trafficking, recommended the Australian Government further investigate the establishment of a federal compensation scheme for survivors of slavery and people trafficking; and review the current rates of compensation. Joint Standing Committee on Foreign Affairs, Defence and Trade, *Trading Lives: Modern Day Human Trafficking* (2013). At

[http://www.aph.gov.au/parliamentary\\_business/committees/house\\_of\\_representatives\\_committees?url=ifadt/slavery\\_people\\_trafficking/report.htm](http://www.aph.gov.au/parliamentary_business/committees/house_of_representatives_committees?url=ifadt/slavery_people_trafficking/report.htm) (viewed 24 February 2016).

<sup>10</sup> Special Rapporteur on trafficking in persons, especially women and children, *Mission to Australia*, (2012), UN Doc A/HRC/20/18/Add.1, para 65. At <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (viewed 24 February 2016).

<sup>11</sup> Special Rapporteur on trafficking in persons, especially women and children, *Mission to Australia*, (2012), UN Doc A/HRC/20/18/Add.1, para 50, 82. At <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (viewed 24 February 2016).

<sup>12</sup> Special Rapporteur on trafficking in persons, especially women and children, *Mission to Australia*, (2012), UN Doc A/HRC/20/18/Add.1, para 82. At <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (viewed 24 February 2016).

<sup>13</sup> Special Rapporteur on trafficking in persons, especially women and children, *Mission to Australia*, (2012), UN Doc A/HRC/20/18/Add.1. At <http://www.ohchr.org/EN/Issues/Trafficking/Pages/Visits.aspx> (viewed 24 February 2016).

<sup>14</sup> United Nations, *Guiding Principles on Business and Human Rights* (2011). At [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (viewed 24 February 2016).

<sup>15</sup> United Nations, *Guiding Principles on Business and Human Rights* (2011), p15. At [http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) (viewed 24 February 2016).

<sup>16</sup> GCNA leads an annual Australian Dialogue on Business and Human Rights. More information can be found at [www.unglobalcompact.org.au](http://www.unglobalcompact.org.au). The national dialogue is also referred to at [www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Business-and-Human-Rights.aspx](http://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Business-and-Human-Rights.aspx).

<sup>17</sup> Australian Human Rights Commission, Australian Centre for Corporate Social Responsibility and Global Compact Network Australia, *Human Rights in supply chains: Promoting positive practice* (2015). At

[https://www.humanrights.gov.au/sites/default/files/document/publication/2015\\_AHRC\\_ACCSR\\_HR\\_in\\_supply\\_chains\\_0.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/2015_AHRC_ACCSR_HR_in_supply_chains_0.pdf) (viewed 24 February 2016).

<sup>18</sup> Special Rapporteur on contemporary forms of slavery, including its causes and consequences, *Thematic report on eradicating contemporary forms of slavery from supply chains* (2015), UN Doc.A/HRC/30/35, paras 68 (f) and (h). At <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/AnnualReports.aspx> (viewed 24 February 2016).

<sup>19</sup> Special Rapporteur on contemporary forms of slavery, including its causes and consequences, *Thematic report on eradicating contemporary forms of slavery from supply chains* (2015), UN Doc.A/HRC/30/35, para 68 (b). At <http://www.ohchr.org/EN/Issues/Slavery/SRSlavery/Pages/AnnualReports.aspx> (viewed 24 February 2016).

<sup>20</sup> The Sydney Morning Herald, *Worker's paradise or black labour have?* Sydney Morning Herald (2 October 2015). At <http://www.smh.com.au/national/investigations/workers-paradise-or-black-labour-haven-20151001-gjz5q1.html> (viewed 16 February 2016).

<sup>21</sup> Fair Work Ombudsman, Parliament of Australia, *A report on the Fair Work Ombudsman's Inquiry into the labour procurement arrangements of the Baiada Group in New South Wales*, (2015).

<sup>22</sup> Senate Standing Committees on Education and Employment, Parliament of Australia, Australia's temporary work visa programs: interim report (2015) 12 [2.28].

<sup>23</sup> Senate Standing Committees on Education and Employment, Parliament of Australia, Australia's temporary work visa programs: interim report (2015) 12 [2.28].

<sup>24</sup> Productivity Commission, *Workplace Relations Framework Inquiry Report*, No. 76, (2015), pp915-938. At <http://www.pc.gov.au/inquiries/completed/workplace-relations/report/workplace-relations-volume2.pdf> (viewed 2 March 2016).