

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 / Written

001 – Public hearing 27 April 2021

Topic: Visit to Xinjiang

Senator Eric Abetz

Question

When was the last time Australian officials at our Embassy in Beijing were able to visit Xinjiang? How does a lack of access to the region complicate efforts to assess the scale and detail of what is happening, and to provide consular support to Australian citizens in Xinjiang?

Answer

The last visit of a senior official from the Australian Embassy in Beijing to Xinjiang was in June 2016, by the then Deputy Head of Mission. The last officially funded visit of a representative from the Embassy to Xinjiang was in November 2019, by a Second Secretary.

Continued restrictions on access to Xinjiang make it more difficult for us to directly verify the growing number of credible reports of severe human rights abuses against ethnic Uighurs and other Muslim minorities in the province.

Consular officials from the Australian Embassy in Beijing may travel to Xinjiang to provide general consular support and services to Australian citizens. We have not currently been requested to provide consular support to any Australian citizens in Xinjiang.

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002 – Public hearing 27 April 2021

Topic: UN High Commissioner for Human Rights - Xinjiang

Senator Eric Abetz

Question

The Government has called for the UN High Commissioner for Human Rights to receive urgent, independent and unfettered access to Xinjiang. How would this assist to find out the extent of the issues with modern slavery in Xinjiang?

Answer

Independent and unfettered access to Xinjiang for international observers would assist by providing independent and credible assessments of the situation in Xinjiang. This is particularly important given the divergence between official statements and the growing number of credible reports of severe human rights abuses against ethnic Uighurs and other Muslim minorities, including testimony from those alleging detention.

QUESTION ON NOTICE / Spoken

004 – Public hearing 27 April 2021

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Topic: Content of business advice

Senator Rex Patrick

Question

Senator PATRICK: The US, Canada and the UK have been issuing supply chain business advisories in relation to Xinjiang. Do we issue similar advises? Does DFAT do that?

Ms Cawte: No, we don't have written advisories. In answer to your question as to what advice do we give to companies that come to us, we have had companies come to us and we tell them of our concerns about human rights and supply chain integrity in terms of forced labour and other issues in China and in Xinjiang. We also, in our regular as well as in our ad hoc discussions with business, we explain our concerns. We have quite regular discussions, as you would imagine, with all China-facing businesses. We have quite regular discussions in which we speak to these issues of our concerns.

Senator PATRICK: Could you perhaps, on notice, table the outline of the advice that you would give someone if they asked that question? I'm guessing these people come to you because they already have a concern, so you don't have to convince them that there's a concern but do you assist them in making sure that they don't somehow involve themselves in this activity or in some way support this activity?

Answer

We stress the need for businesses to meet relevant obligations under Australian law in relation to the *Modern Slavery Act 2018*. In our regular and ad hoc meetings with business, DFAT has set out the range of our concerns relating to Xinjiang including reports of arbitrary detentions, restrictions on freedom of religion, pervasive surveillance of communities, as well as forced labour in Xinjiang. Where relevant, we note that parts of the textile, clothing and footwear sector are particularly at risk of forced labour and advise of any risks we are aware of relevant to the business stakeholders' sectoral interests. We note that a broad range of China's exports and manufacturing supply chains are also potentially impacted by state sponsored labour transfer programs, which allegedly involve transferring workers from detention centres to factories or facilities across China. As access to Xinjiang continues to be restricted, making it difficult for us – and for businesses – to see the situation first-hand and verify reports, we encourage businesses to monitor public research and reporting and scrutinise their supply chains.

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008 – Public hearing 27 April 2021

Topic: Supply Chains

Question from Committee

Question

What is DFAT's reaction to the suggestion from Dr Darren Byler that governments should fund research into supply chains, rather than depending on investigative journalists and think tanks to do this work?

Answer

The Government already supports research on supply chains. This includes research on best practice, and risks in particular sectors.

Research, including into modern slavery in supply chains, is one of five national strategic priorities in the Government's National Action Plan to Combat Modern Slavery 2020-25. The Government has committed \$10.6 million over five years to implement the National Action Plan. This includes \$4.4 million in multi-year grant funding for civil society organisations, peak bodies and academic researchers to deliver projects that combat modern slavery in Australia, managed by the Australian Border Force. Round One of the grants program opened on 10 March 2021 and has a dedicated stream of funding for research into improving understanding of modern slavery risks in global supply chains, among other things.

The Government also supports a range of initiatives for the sharing of lessons and best practice on addressing modern slavery risks in global supply chains, including through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime and its Government and Business Forum. In addition, the Government has funded research into risks in specific sectors, such as fisheries.

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009 – Public hearing 27 April 2021

Topic: Labour chapters in FTAs

Question from Committee

Question

What is the government's position on the inclusion of labour chapters in FTAs?

Answer

- Australia takes a case-by-case approach to the inclusion of labour provisions in its FTAs.
- Where labour provisions are included, Australia's approach is to affirm and promote internationally agreed rights and principles, based on the International Labour Organization's (ILO) Declaration on Fundamental Principles and Rights at Work (1998).
- The ILO Declaration on Fundamental Principles and Rights at Work (1998) commits all Members States to respect and promote core principles and rights in four categories:
 - freedom of association and the effective recognition of the right to collective bargaining,
 - the elimination of forced or compulsory labour,
 - the abolition of child labour, and
 - the elimination of discrimination in respect of employment and occupation.
- FTA provisions seek to reinforce international labour standards which relate to trade and investment between parties.
- Australian FTAs with labour chapters that are in force are: the Australia-United States FTA, Comprehensive and Progressive Trans-Pacific Partnership, Korea-Australia FTA and Peru-Australia FTA:
 - Australia is negotiating bilateral FTAs with the United Kingdom and the European Union where labour provisions are under consideration.

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010 – Public hearing 27 April 2021

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Topic: ILO's Forced Labour Protocol

Senator Janet Rice

Question

Senator RICE: ... One of my last questions is: how is our stated intention of ratifying the 2014 International Labour Organization's forced labour protocol progressing? What are the remaining hurdles? When will we ratify it?

CHAIR: Can we take that on notice, please.

Answer

The Government is committed to implementing international standards to combat forced labour and has already ratified the most significant international treaties to abolish this element of modern slavery, the *Forced Labour Convention, 1930 (No.29)* and the *Abolition of Forced Labour Convention, 1957 (No.105)*.

The Government announced its intention to progress ratification of the Protocol in November 2017. In relation to International Labour Organization conventions where implementation is wholly or partly the responsibility of states and territories, the Commonwealth will not normally proceed with ratification unless compliance has been established in all jurisdictions, and each jurisdiction has provided support for ratification. Following entry into force of the *Modern Slavery Act 2018* (Cth) on 1 January 2019, the final remaining compliance issue to be resolved is a gap in coverage for certain categories of workers currently excluded from the definition of 'employee' under Western Australia's industrial relations framework.

Western Australia concluded a review of its industrial relations system with the *Final Report of the Ministerial Review of the State Industrial Relations System* tabled in State Parliament in April 2019. The Western Australian government has committed to making the necessary amendments to its industrial relations legislation to ensure state laws are compliant with the Protocol.