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27 July 2012

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Committee Secretary,



I write to you in relation to the *Crimes Legislation Amendment (Slavery, Slavery-Like Conditions and People Trafficking) Bill 2012*.

Business SA is South Australia's leading business membership organisation, representing thousands of businesses through direct membership and affiliated industry associations. We represent businesses across all industry sectors, ranging in size from micro-business to multi-national companies. Business SA advocates on behalf of business to propose legislative, regulatory and policy reforms and programs for sustainable economic growth in South Australia.

Business SA supports robust laws designed to minimise the abhorrent practices of slavery, people and organ trafficking, servitude and related offences, as well as to materially penalise those carrying out such practices.

However, Business SA has a major concern with the Bill regarding managers and owners of businesses.

There are a number of references to conducting a business in the Bill, making amendments to the Criminal Code, including:

- Subsection 270.5(2) – Conducting a business involving servitude
- Subsection 270.6A(2) – Conducting a business involving forced labour.


A person or persons taking any part in the management of the business, exercising control or discretion over the business, and providing finance for the business, may not be aware of all of the practices being utilised throughout their business or by contractors working for their business.

For example, if an employee at a shoe repair shop keeps a person in servitude at their home to mend shoes for no payment and this is unknown by the business's managers and owners, the managers and owners, according to the Bill, will still receive a penalty of up to fifteen years imprisonment, as outlined in Subsection 270.5(2)(b). The penalty will be up to nine years imprisonment if the verdict is one of forced labour, as outlined in Subsection 270.6A(2)(b).

Business SA believes that managers and owners of businesses in such a situation and similar situations should not be exposed to such a punishment, given that they did not commit any crime.

While not explicit in the Bill, it is possible that similar situations could arise regarding deceptive recruiting for labour or services (Subsection 270.7 of the Criminal Code), harbouring a victim (Subsection 271.7F) and debt bondage (Subsection 271.9). Business SA seeks clarification in the Bill on this possibility and most importantly the possibility should be extinguished.

Should you require any further information or have any questions, please contact \_\_\_\_\_ Director of Policy, Business SA on \_\_\_\_\_ or \_\_\_\_\_

Yours sincerely 

 Nigel McBride

Chief Executive Officer