

Committee Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
Re: Australian Parliamentary Inquiry into Modern Slavery
PO Box 6021
Parliament House
Canberra ACT 2600

To the Committee Secretary:

Thank you for the opportunity to submit contribution of the Terms of Reference regarding whether Australia should adopt a Modern Slavery Act comparable to the United Kingdom. I am a PhD Candidate at the University of Edinburgh in International Development, researching a variety of aspects pertaining to anti-human trafficking and modern day slavery. Moreover, I work in collaboration with Tiny Hands International (THI, www.tinyhands.org), an NGO that implements border/transit monitoring alongside immigration and local law enforcement to intercept victims of trafficking as they are in transit¹, i.e. at the strategic point prior to exploitation. I am familiar with the UK Modern Slavery Act 2015 and will comment on Terms of Reference 1, 3, 5, and 6.

As Australia is primarily a ‘destination’ country for human trafficking and modern day slavery, breaking down the criminal network of trafficking will require Australia’s increased engagement with the victims’ countries of origin. In the UK, for instance, the legislation may improve by strengthening recommendations and requirements on data collection; a system of integrated data regarding modern slavery offences to improve intelligence, such as for a nationally coherent procedure of collecting data from on-the-ground NGOs, would greatly enhance victim identification. Because cross-border human trafficking is enabled through the network of ‘origin-transit-destination’ countries, implementing a consistent system of data collection through legislation should similarly adhere across Australian’s embassies abroad. Australia, and indeed the UK, would more accurately predict shifts in human trafficking routes and recruitment trends with a legislative-required method of data collection.

In reference to the National Referral Mechanism (NRM) used by the UK government to respond with provisions of legal, immigration, and psychological/medical services to victims of modern slavery and human trafficking, the current 45-day period for a ‘positive-grounds’ decision, following the initial ‘reasonable grounds’ decision must be increased. Having spoken with numerous NGOs subcontracted by the UK government,² the current method of providing victim testimony (especially in the case of child victims) does not take into enough account the trauma and fear a victim holds in testifying their case. Small story obscurities (such as, the number of days a victim was travelling) in the numerous agencies the victim is required to testify against their perpetrator to, have caused victims’ repatriations and thus the victims’ removal from support-services; evidence assessed can be inconsistent. Hence, Australian and UK legislation would benefit from increasing emphasis on victim support in equal measure with the focus given

¹ THI currently operates in Nepal, India, Bangladesh, and South Africa, and is in the process of expanding to additional countries.

² See especially the work of: Salvation Army, TARA, Hestia, and Unseen.

to criminal and offender convictions. Moreover, Section 45, Part 5, regarding the protection of victims would improve through greater explanation regarding ‘relative exploitation.’ Including clarification of a stand-alone offence could help the legislation to more comprehensively cover victims through NRM federal support.

Though implementing required supply chain transparency remain in early stages, and thus cannot yet be fully proven as effective, substantive change to organisation structuring has resulted. However, requirements could be further strengthened. As an example of a positive actionable taken by a large-scale institution, the University of Edinburgh developed a committee of stakeholders that meet to assess the university’s public procurement/supply chains to assess how the university can better align with the UK Modern Slavery Act 2015, as stated in Section 54, Part 6. As a result, the university has improved their ability to identify and engage with their suppliers in order to mitigate the risk of modern day slavery and human trafficking, therefore increasing supply chain transparency. Section 54, Part 6 is currently too flexible in that it permits organisations and businesses to merely write a statement on modern day slavery, in which, a company may state that no measures have taken place to address the risk of slavery. The former is of particular concern to businesses that own subsidiary abroad; an enforcement mechanism is required.

I strongly recommend the Australian government adopt legislation similar to the UK Modern Slavery Act 2015. Though amendments and enhancements could be made to the UK’s current legislation, this Act has been invaluable to the UK government’s ability to better prosecute human traffickers, to improve corporate responsibility, and to reduce modern slavery. In addition, similar appointment of an Anti-Trafficking Commissioner, found in Part 4, is greatly recommended.

I welcome further participation into the Committee’s inquiry into modern slavery and would not hesitate to provide any clarification.

Kind regards,

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