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## **Australian Catholic Religious Against Trafficking in Humans**



**Submission to the federal government review into the operation and compliance of the  
*Modern Slavery Act 2018 (Cth)***

Dr John McMillan, AO

[ModernSlaveryActReview@abf.gov.au](mailto:ModernSlaveryActReview@abf.gov.au)



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## **Australian Catholic Religious Against Trafficking in Humans**

Dr John McMillan, AO

[ModernSlaveryActReview@abf.gov.au](mailto:ModernSlaveryActReview@abf.gov.au)

21 November 2022

Dear Dr McMillan

ACRATH, Australian Catholic Religious Against Trafficking in Humans, and Catholic Religious Australia (CRA), welcome the opportunity to provide this submission to the federal government review into the operation and compliance of the *Modern Slavery Act 2018* (Cth).

Our submission is brief but of course we would be pleased to provide further thoughts on the issues we raise.

### **Firstly we want to acknowledge the following:**

- The welcome existence of the Modern Slavery Act 2018
- The welcome existence of a publicly available and an easy-to-access register of Modern Slavery statements
- The fact of this review, and especially the energetic way that you, Dr McMillan, have sought input from stakeholders
- The challenge ahead to ensure an increase in the quality and quantity of reports uploaded to the register. We believe that many reports are missing, and that many that are currently on the register reflect a company's commitment to get a report uploaded

rather than a commitment to locate and stop human trafficking in that company's supply chains. Some companies have said they do not know how to go further in uncovering and addressing modern slavery in their supply chains.

**We want to raise these points:**

1. **Building legislation that will stop human trafficking.** Our main interest in the Review, echoing so many other people's concerns, is in considering how we in Australia might actually build better legislation to stop human trafficking. We see this as a major overhaul of our current Modern Slavery Act which is of its essence a reporting requirement.

ACRATH has worked with major Catholic health providers to join a global campaign demanding the abolition of forced labour employment practices in the supply chains of rubber gloves manufacturing in Malaysia. ACRATH was delighted when the US and Californian legislation meant that Malaysian rubber glove manufacturers had to repay millions of dollars in 2021 in illegal recruitment fees. The US and Californian laws to stop modern slavery seem to have actually made a significant difference for so many people from Myanmar, Bangladesh and Nepal experiencing forced labour in Malaysia. We suggest that the Australian Modern Slavery Act does not have the power of the US and Californian laws. We hope you will see your terms of reference as being broad enough to consider how to rectify this and strengthen the power of the Australian law.

2. **Funding for civil society groups as members of the National Roundtable.** ACRATH and CRA are keen to see a return to a sustainable service-based model of funding for civil society groups who are members of the National Roundtable on Human Trafficking and Modern Slavery, the body where the need for an Australian MSA was recognised and actioned. ACRATH was one of the civil society recipients of this form of funding from 2008 – 2015. And we know that longer term funding encourages enduring programs and ongoing staffing, which in turn offer reliability to victim/survivors; this must surely be a major aim of the funding.

The following supports our request for a return to the 2008 model of sustainable service-based funding. This is the model currently used by the Victorian government to fund civil society work addressing family and domestic violence. The funding of counter trafficking work changed in the following ways:

- The initial AGD grants in 2008 were to the four NGO members of the National Roundtable on Human Trafficking and Slavery; the grants were initiated in 2008 by the AGD; they were initiated as a three year grant requiring 6 monthly reported completion of negotiated deliverables. The initial 3 year grant was followed up by a second and third three year grant to the then NGO members of the National Roundtable. Some of the work done under these grants laid the foundation for the development of the MSA.
- In 2015 after the 3<sup>rd</sup> round of funding, the Roundtable NGOs were advised by the AGD that there would be no more grants because POCA (Proceeds of Crime Act) funding was no longer available. After an NGO protest, the AGD and then Home Affairs found some small amounts of money for ad hoc annual grants in the following years. The new grants were opened up for competitive applications from many groups, some of whom had no experience in the counter trafficking field.
- For the past five years we in ACRATH advocated for long term funding for Roundtable NGOs; we asked for the funding to be embedded in the Departmental budget rather than the reallocation of end of financial year monies; we asked for the funding to mitigate against competition amongst NGOs. The then Minister Jason Wood MP saw the sense in embedding the grants scheme in the Departmental budget, and in longer term funding for NGOs; he instituted a 2 year funding round which was to be followed by a three year funding round in early 2022; because the election was called, this funding round has yet to happen.

ACRATH and CRA ask that this Review recommend that civil society groups on the National Roundtable be invited to form a working group with AGD staff to develop a sustainable service-based model to fit our sector, to ensure the grants support civil society groups to continue to support the effectiveness of the MSA.

3. **Establishing an Independent Modern Slavery Commissioner.** ACRATH and CRA applaud Attorney General Mark Dreyfus on the budget announcement and the delivery of the election commitment below: Budget Paper (Page 54) Tackling Modern Slavery:

- The Government will establish a new unit within the Attorney-General's Department to scope options to establish an Anti-Slavery Commissioner to work with business, civil society and state and territory governments to support compliance with Australia's Modern Slavery Act 2018 and address modern slavery in supply chains. The cost of this measure will be met from within the existing resourcing of the Attorney-General's Department. This measure delivers on the Government's election commitment as published in the Plan for a Better Future.

ACRATH and CRA were pleased with this announcement as a first step, but we call for a speedy implementation of the commitment, a timetable for the rollout, and the inclusion of funding for the new and independent office in the May 2023 budget. We are particularly concerned to hear that the office will be that of an Independent Modern Slavery Commissioner. We would be happy to contribute to the development of the role of an Anti-Slavery Commissioner and to see a national Commissioner in place as soon as possible.

4. **Compensation for victim/survivors.** ACRATH and CRA want victim/survivors of modern slavery to receive adequate remediation for the crimes that have been committed against them in Australia. ACRATH raised this, amongst other issues, at the UN CEDAW in New York in January 2006.

However, the current system in Australia has proved over and over again that victims of a federal crime cannot be adequately compensated using state-based Victims of Crime Assistance Tribunal processes. In fact the current situation, when actually utilised, results in victim/survivors facing many obstacles when applying for compensation.

Human trafficking and slavery are federal crimes but there is no national compensation scheme. As far back as 2013 *Trading Lives: Modern Day Human Trafficking*, the report of an inquiry conducted by the Joint Standing Committee on Foreign Affairs, Defence and Trade, recommended a National Compensation Scheme. Since then, several other Commonwealth Government inquiries have made this recommendation and yet there is still no scheme in place. Receiving compensation for the survivor is an acknowledgement of the harm they have experienced and greatly aids their recovery. ACRATH and CRA urge the Government to implement a National Compensation scheme without delay.

5. **Monitoring MSA Reports.** ACRATH and CRA also note, at this stage, that the monitoring of the reports is minimal, and that there is no checking to see where reports translate into meaningful action. Clearly this needs to be addressed in the Review.
6. **Continuing to report.** Finally, ACRATH and CRA ask that this Review recommends an ongoing review of the MSA.

While we acknowledge the huge task of eliminating forced marriage globally, we are confident that it can be eliminated when government and civil society collaborate, using their respective strengths and working across national and international borders.

Yours sincerely



Christine Carolan

EO

ACRATH

Mobile: 0427 302 755

Email: [eo@acrath.org.au](mailto:eo@acrath.org.au)



Anne Walker

National Executive Director

CRA

E: [nationalexec@catholicreligious.org.au](mailto:nationalexec@catholicreligious.org.au)

## **Who is ACRATH?**

ACRATH (Australian Catholic Religious Against the Trafficking of Humans) is an Australian registered charity with a network that spans across Australia in cities, regional centres, and remote Australia. The network extends overseas including to countries in Asia, the Pacific and Timor Leste, where ACRATH members have worked for many decades and have a deep understanding of local communities and culture.

ACRATH's purpose is to eliminate human trafficking and the harm it causes, in Australia, the Asia Pacific region and globally. We do this in collaboration with non-government organisations.

Forced marriage is a key focus of our work. The purpose of ACRATH's forced marriage work is to prevent forced marriages here in Australia and in countries linked to Australians vulnerable to a forced marriage. We support the work of many faiths that advocate on behalf of vulnerable people, in partnership with faith communities and with local communities.

ACRATH, in line with the focus of the current National Action Plan to Combat Modern Slavery 2020-25, has also provided support for victims and survivors of human trafficking and modern slavery in Australia. This support includes providing the companionship of a good neighbour, supporting victims and survivors in many ways as they begin to rebuild their lives and the lives of their children. This support also promotes the voice of victims and survivors to advocate for systems change.

A joint project between ACRATH and ACMRO - the Australian Catholic Migrant and Refugee Office is a significant strategy to prevent seasonal worker exploitation; this project encourages parishes across Australia to welcome into their communities seasonal workers, focusing especially on those from the Pacific and Timor Leste. The project logic is that seasonal workers well connected into local Australian communities are less likely to be able to be exploited.

## **Who is CRA?**

Catholic Religious Australia (CRA) is an Australian registered charity, which is the peak body representing Religious Leaders in the Australian Church and in society through its submissions to, and meetings with government, liaison with media, and strategic collaboration with Church and secular bodies. CRA has 150 institutional members, which comprise about 5,000 Catholic religious sisters, brothers and priests living and working in every State and Territory across Australia.

Our members are employers with a large collective of religious and lay staff working in education, health care and social welfare, including aged care and disability support around the country. They minister with indigenous people, refugees and asylum seekers, people surviving on the margins and many others.

CRA plays a leadership role in the Church at a national level and provides Religious Institutes with a collective voice in the Church and in the community. CRA's National Council is the governing body of CRA. Councillors are elected by, and from the membership of CRA, made up of Leaders of Religious Institutes and Societies of Apostolic Life.