



Australian Christian Churches and ACC International Relief

Submission to the Senate Legal and
Constitutional Affairs Committee Inquiry into the
Modern Slavery Bill

About Australian Christian Churches and ACC International Relief

Australian Christian Churches (ACC) is the largest Pentecostal movement in Australia, comprised of over 1000 churches operating in voluntary cooperation, with a constituency of over 370,000 people nationwide.

ACC International Relief (ACCIR) is the International Development arm of the ACC movement and an Australian based International NGO which operates development and humanitarian response projects in 22 different countries. ACCIR is an ACFID member organisation and operates an Overseas Aid Fund under the Overseas Aid and Gift Deduction Scheme (OAGDS).

ACCIR's core programmatic focus is in the area of care reform. This involves implementation of deinstitutionalisation programs in developing countries as well as advocacy and awareness raising efforts in donor and volunteer sending countries, including Australia. Discouraging orphanage tourism is a major focus of ACCIR's advocacy and awareness raising efforts due to the role it plays in fuelling orphanage trafficking and the inappropriate use of institutional care.

ACC and ACCIR made a joint submission to the Parliamentary Inquiry into Australia establishing a Modern Slavery Act highlighting the issues of orphanage trafficking, orphanage tourism and the links to Australian businesses and charities. Rebecca Nhep, ACCIR's Joint CEO, was called to give evidence at the Public Hearing held on the 2nd of August 2017 where orphanage tourism and trafficking was discussed in detail with the members of the Joint Standing Committee on Foreign Affairs, Defence and Trade. Subsequent to this, ACCIR made a Joint Supplementary Submission with ACFID looking specifically at best practice in the prevention of orphanage trafficking through ensuring foreign aid and charity sector funding does not act as a driver of demand.

The final report, Hidden in Plain Sight contained a chapter dedicated to the issue of orphanage trafficking, including 11 recommendations covering legislative, regulatory, awareness raising and other measures that could form a multi-tiered strategy to combat orphanage trafficking and orphanage tourism as a form of child exploitation. ACCIR has been pleased to work with various government departments on the implementation of a number of those recommendations in collaboration with ReThink Orphanages member organisations.

Views on the Bill

ACC and ACCIR congratulate the Australian Government for taking important steps to combat Modern Slavery, including the commitment to establishing a Modern Slavery Act.

We welcome the opportunity to express support for the Modern Slavery Bill introduced to parliament on the 28th of June 2018.

We support the definition of Modern Slavery as detailed in the Bill, in particular the inclusion of Article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women

and Children, Article 3 of the Worst Forms of Child Labour Convention and Divisions 271 and 270 of the Australian Criminal Code.

We believe that the broad scope of this definition is critical as it:

- incorporates orphanage trafficking, which falls under the Protocol to Prevent, Suppress and Punish Trafficking in Persons;
- extends the jurisdiction beyond Australian borders to ensure entities must report on trafficking and modern slavery practices found in their international supply chains; and
- extends the jurisdiction to ensure that child labour in international supply chains will fall within the scope of reportable modern slavery practices.

ACC and ACCIR wish to make the following recommendations for the consideration of the Committee.

1. We recommend that specific guidance material be developed to provide businesses with detailed information on orphanage trafficking and child exploitation in orphanages, including orphanage tourism. The guidance should highlight the ways in which businesses may be at risk of having orphanage trafficking and child exploitation in orphanages in their supply chains.
2. We note that orphanage trafficking and child exploitation in orphanages is mentioned in the explanatory memoranda and welcome this reference. To enhance understanding as to what constitutes child exploitation in orphanages, we recommend this be further explained in the guidance material and that orphanage tourism be explicitly recognised as a form of child exploitation in orphanages.
3. We recommend that the guidance material clearly establish a requirement for entities to report on orphanage trafficking and orphanage tourism amongst other forms of child exploitation in orphanages where they are at risk of having these forms of modern slavery in their supply chains.
4. We recommend that a verified list of entities who are required to report under the Act be made publicly available in light of the absence of offences or penalties for non-reporting. We believe this is important to create a culture of transparency and to support the race to the top.
5. We recommend that it be a requirement for entities above the reporting threshold to fulfil their reporting obligations under the Act in order to be eligible to tender for government contracts.

We thank you for the opportunity to provide feedback on the Modern Slavery Bill and for considering the recommendations contained in this submission.

Written By

Ms Rebecca Nhep

Joint CEO

ACC International Relief