

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Foreign Affairs Defence and Trade Committee – Inquiry into the Customs
Amendment (Banning Goods Produced by Uyghur Forced Labour) Bill 2020

27 April 2021

QoN Number: 01

Subject: Modern Slavery Act

Asked by: Eric Abetz

Question:

How many countries have a Modern Slavery Act (or similar legislation)?

Answer:

Modern Slavery Act

Australia and the United Kingdom have Modern Slavery Acts.

The **United Kingdom's** *Modern Slavery Act 2015* requires entities with revenue greater than GBP 36 million to publicly report on efforts to assess and address modern slavery risks in their supply chains.

Related Due Diligence Legislation

The Australian Border Force is aware of two other countries' legislative frameworks currently in operation that require public reporting by businesses of efforts to identify and address modern slavery risks in supply chains, among other requirements.

France's *Corporate Duty of Vigilance Law 2017*, requires large French companies to establish and publicly disclose vigilance plans and annual effective implementation reports on measures they have taken to identify and prevent human rights violations and environmental impacts in their supply chains.

The **Netherlands'** *Child Labour Due Diligence Act 2019* requires all companies selling goods and services in the Netherlands to submit a statement affirming that they have undertaken necessary supply chain due diligence in order to prevent child labour in their supply chains.

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27 April 2021

QoN Number: 02

Subject: Australia's legislative framework for modern slavery

Asked by: Eric Abetz

Question:

Could you outline some of the features of Australia's legislative framework for modern slavery?

Answer:

Australia's legislative framework seeks to both criminalise modern slavery practices and address modern slavery in the supply chains of goods and services in Australia.

The Australian Government has comprehensively criminalised human trafficking and slavery under the Commonwealth *Criminal Code*.

Division 270 of the *Criminal Code* criminalises slavery and slavery-like practices, including servitude, forced labour and deceptive recruiting. The slavery offences set out in Division 270 have universal jurisdiction and therefore apply to conduct within or outside of Australia, and whether or not the offender was an Australian corporation, citizen, or resident. The slavery-like offences set out in Division 270 have extended geographical jurisdiction and can apply where the conduct occurred in Australia, or where the conduct occurred outside Australia but the offender was an Australian corporation, citizen or resident.

Division 271 contains specific offences for trafficking in persons and debt bondage. The offences in Division 271 cover trafficking in all its forms, including domestic trafficking, trafficking in children and trafficking for the purpose of organ removal. With the exception of the domestic trafficking in persons and organ trafficking offences, the offences set out in Division 271 have extended geographical jurisdiction and can apply where the conduct occurred in Australia, or where the conduct occurred outside Australia but the offender was an Australian corporation, citizen or resident.

Penalties for the human trafficking and slavery-related offences in the *Criminal Code* range from four years' imprisonment for debt bondage to 25 years' imprisonment for slavery and child trafficking.

In addition to the criminal justice elements of Australia's legislative framework, the Commonwealth *Modern Slavery Act 2018* (the Act) entered into force on 1 January 2019. The Government's submission to the inquiry into the *Customs Amendment (Banning Goods Produced By Uyghur Forced Labour) Bill 2020* provides an overview of the key features of the Act at **Annexure A**.

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27 April 2021

QoN Number: 03

Subject: Companies that have discontinued supply arrangements

Asked by: Tim Ayres

Question:

Senator AYRES: Could you, on notice, provide the committee with an outline of any companies that the government is aware of that have discontinued supply arrangements because of the Modern Slavery Act reporting obligations?

CHAIR: That will be taken on notice.

Answer:

The *Modern Slavery Act 2018* (the Act) establishes a transparency framework that facilitates the provision of information to the public on business actions to identify and address modern slavery risks to consumers, the business community and civil society. The Act does not prescribe any particular actions that reporting entities should take; this is a matter for individual reporting entities in the context of their operations and supply chains.

The Australian Government is aware that some companies, in modern slavery statements made under the Act, have reported making changes to or discontinuing contractual and supply arrangements as a result of identifying modern slavery risks in their supply chains. These statements are publicly available on the Government's Online Register of Modern Slavery Statements and are full-text searchable.

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27 April 2021

QoN Number: 04

Subject: Supporting businesses in using emerging tools and technology

Asked by: Janet Rice

Question:

Senator RICE: Can you take on notice any work that you have done with supporting businesses to be using the emerging tools and technology such as we heard this morning?

Answer:

The *Modern Slavery Act 2018* (the Act) establishes a transparency framework that facilitates the provision of information to the public on business actions to identify and address modern slavery risks to consumers, the business community and civil society. The Act does not prescribe any particular actions that reporting entities should take; this is a matter for individual reporting entities in the context of their operations and supply chains.

The Australian Government is aware that a number of reporting entities have reported on the use and application of emerging tools and technology in their modern slavery statements. These statements are publicly available on the Government's Online Register of Modern Slavery Statements and are full-text searchable.

The Government is of the view that public reporting on the use and effectiveness of such tools in the context of modern slavery statements will support further uptake and engagement with these resources by businesses, as appropriate in the context of their particular operations and supply chains.

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QoN Number: 05

Subject: Supply chains to the Australian Government

Asked by: Rex Patrick

Question:

Senator PATRICK: This will quick. In relation to your own supply chain, Microsoft were mentioned in the ASPI Uyghurs for sale report. They haven't supplied, as far as I'm aware, a statement. Can you please advise me what the Australian government's position on Microsoft is, in context of what you said about supply chains to the Australian government?

Ms Finney: Yes, on notice, I guess

Answer:

All modern slavery statements submitted under the *Modern Slavery Act 2018* are publicly available on the Government's Online Register of Modern Slavery Statements. Statements that are published on the Register are full-text searchable.

A public search of the Online Register of Modern Slavery Statements returns a statement by Microsoft Pty Ltd ([Statement #2020-353](#)).

Under the Act, the Australian Government is also required to report on its own actions to identify and address modern slavery risks in Commonwealth operations and supply chains. In the *2019-20 Commonwealth Modern Slavery Statement*, the Government acknowledged modern slavery risks associated with ICT and electronics procurement and committed to considering these, and other risk areas, in future statements. The Government will report on the activities taken in respect of modern slavery risks over the 2020-21 financial year in the upcoming *Commonwealth Modern Slavery Statement 2020-21*.

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27 April 2021

QoN Number: 06

Subject: Wesfarmers decisions on supply chains

Asked by: Kimberley Kitching

Question:

Senator KITCHING: Can I ask you to take this one on notice; otherwise the chair is going to be upset.

CHAIR: More upset!

Senator KITCHING: More upset. You've made me lose my chain of thought. There was an article last year by Rob Harris, in The Sydney Morning Herald and The Age, in relation to Wesfarmers and their decisions around their supply chains. I've sent this to committee members. Have you informed other entities of Wesfarmers' decision? Is this held out-is this information provided to companies as perhaps a way to go? Does that happen?

Ms Finney: I'm not familiar with the particular article.

Senator KITCHING: I'll send it to the secretariat and they can forward it to you. Wesfarmers decided not to have goods in its supply chain because they were likely to be produced by slave labour. I assume Wesfarmers is over the annual revenue threshold. I don't know whether they've made a statement, but if you could take it on notice that would be handy. I'll leave it there, Chair.

Answer:

All modern slavery statements submitted under the *Modern Slavery Act 2018* are publicly available on the Government's Online Register of Modern Slavery Statements. Statements that are published on the Register are full-text searchable.

A public search of the Online Register of Modern Slavery Statements returns a statement titled 'Wesfarmers 2020 Modern Slavery Statement' ([Statement #2020-56](#)).