



## **Black Economy Taskforce**

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Submission to the Black Economy Taskforce Interim  
Report Consultation

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## **HUMAN TRAFFICKING, SLAVERY AND THE BLACK ECONOMY**

Human trafficking and slavery takes many forms. Individuals and communities are made vulnerable to human trafficking and slavery by environmental, economic, social and contextual factors, such as poverty, inequality, discrimination and gender-based violence.<sup>1</sup> These factors disproportionately affect groups that are already disempowered within society, including women, children, migrants, refugees and people in occupations with low visibility or legal protections, including domestic workers and sex workers.<sup>2</sup>

Human trafficking and slavery are illegal and clandestine, making comprehensive data on the numbers of people living in slavery or slavery-like conditions difficult to estimate. Estimates of the number of adults in slavery and slavery-like conditions vary widely; in 2012 the International Labour Organisation estimated that globally, 21 million people lived in slavery-like conditions.<sup>3</sup>

Human trafficking and slavery is inextricably linked to the black economy. The black economy enables and perpetuates the criminal exploitation of vulnerable workers by creating an environment of impunity for offenders.<sup>4</sup>

### **TERMS OF REFERENCE**

Anti-Slavery Australia welcomes the opportunity to provide a submission in response to the Black Economy Taskforce Consultation Paper and Interim Report. This submission draws upon Anti-Slavery Australia's research and publications, as well as advocacy and legal casework experience with survivors of forced marriage in Australia.

Anti-Slavery Australia is a university based, law, policy and legal practice centre within the Faculty of Law at the University of Technology Sydney, New South Wales. In this submission, Anti-Slavery Australia will address the following select terms of reference:

5. In light of this framework and applicable budgetary constraints, outline an overarching policy strategy (noting that a number of specific ideas are already under development). This strategy will include recommendations on:
  - i. how best to identify, track, manage and respond to risks;
  - ii. innovative policy responses which take advantage of emerging technologies and thinking on shaping behaviours; and

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<sup>1</sup> Anne T. Gallagher, *The International Law of Human Trafficking* (Cambridge University Press, 2010) 415.

<sup>2</sup> *Ibid.*

<sup>3</sup> *Statistics on forced labour, modern slavery and human trafficking*, International Labour Organisation <<http://www.ilo.org/global/topics/forced-labour/statistics/lang--en/index.htm>>.

<sup>4</sup> 'Transitioning from the informal to the formal economy' (Report V(1), International Labour Organisation, 2013) 9, [25]-27].

- iii. strengthening whole-of-government cooperation (including better use of existing, underutilised data sources), including state administrations.

Anti-Slavery Australia has made relevant submissions to the following parliamentary inquiries in 2017 advocating for innovative policy development and reform to combat human trafficking and slavery, and provide stronger protections for trafficked and exploited people in Australia:

1. The Parliament of Australia Joint Committee on Law Enforcement Inquiry into Human Trafficking;<sup>5</sup>
2. The New South Wales Legislative Council Select Committee on Human Trafficking in New South Wales;<sup>6</sup>
3. The Parliament of Australia Joint Select Committee on Government Procurement inquiry into the Commonwealth Procurement Framework.<sup>7</sup>
4. The Parliament of Australia Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into establishing a Modern Slavery Act in Australia;<sup>8</sup> and

In making the following recommendations, Anti-Slavery Australia will draw on research provided to the parliamentary inquiries and address the criminal exploitation of vulnerable workers within the black economy. We value the work of the Black Economy Taskforce and would welcome the opportunity to provide further assistance.

Anti-Slavery Australia uses the term 'human trafficking and slavery' to refer to all forms of human trafficking, slavery and slavery-like conditions such as servitude, forced labour and debt bondage.

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<sup>5</sup> Anti-Slavery Australia, Submission No 27, Joint Committee on Law Enforcement, Parliament of Australia, *Inquiry into Human Trafficking*, 27 January 2017. Accessible here <<http://www.aph.gov.au/DocumentStore.ashx?id=88921ac7-5860-4b3d-ab4d-8fc4d692ff31&subId=463477>>

<sup>6</sup> Anti-Slavery Australia, Submission No 9, Legislative Council, *Select Committee on human trafficking in New South Wales*, 17 February 2017. Accessible here <<https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-submission-details.aspx?pk=%2056978>>

<sup>7</sup> Anti-Slavery Australia, Submission No 32, Select Committee on Government Procurement, Parliament of Australia, *Inquiry into the Commonwealth Procurement Framework*, 4 April 2017. Accessible here <<http://www.aph.gov.au/DocumentStore.ashx?id=56184c76-f749-4199-ba1d-cad025d0e1d6&subId=509940>>

<sup>8</sup> Anti-Slavery Australia, Submission No 156, Joint Standing Committee on Foreign Affairs, Defence and Trade, Parliament of Australia, *Inquiry into establishing a Modern Slavery Act in Australia*, May 2017.

## **RECOMMENDATIONS**

In addressing the terms of reference, Anti-Slavery Australia makes the following recommendations:

### ***IDENTIFYING POTENTIAL VICTIMS OF HUMAN TRAFFICKING AND SLAVERY***

1. Ensure that consistent training on the indicators of all forms of human trafficking and slavery, criminal exploitation and referral pathways is delivered to frontline officers of Commonwealth government agencies consistently throughout Australia on an ongoing basis and that the Commonwealth liaises with the states and territories to extend training in all jurisdictions.
2. Develop effective and timely monitoring of all Australian visa schemes to assess whether particular visas or schemes create particular vulnerabilities to human trafficking and slavery that can be exploited by criminals operating in the black economy. This will facilitate more effective and targeted policies to prevent exploitation in the informal economy and protect at risk migrant workers.

### ***PROTECTING VULNERABLE WORKERS***

1. Remove the restrictions on working hours for Student Visa holders.
2. Make targeted, accessible information on the rights of workers in Australia available to entrants on working visas at points of entry to Australia, in order to ensure that migrant workers recognise that the Australian government does not tolerate exploitative labour practice. This is an important step in building knowledge about Australian work place law and regulatory mechanisms.
3. Introduce a sector specific licensing regime for the labour-hire industry to address the exploitation of migrant workers through labour-hire companies.
4. Prevent slavery and human trafficking at any point in the production of goods and services by enacting a legislative framework which requires specified organisations to make public reports on the nature of their supply chains and the measures they have taken to ensure that there is no human trafficking or slavery in the production of their goods or services. Anti-Slavery Australia commends the Taskforce's findings in relation to the regulation of supply chains.
5. Amend the Commonwealth Procurement Rules to reflect the leadership role of the Australian Government in the prevention of human trafficking and slavery, and the findings of the Joint Select Committee on Government Procurement report *Buying*

*into our Future Review of amendments to the Commonwealth Procurement Rules.*<sup>9</sup>

These amendments should include:

- a. Introduce detailed procurement connected policy requiring Commonwealth agencies to evaluate supplier's compliance with human rights regulations.<sup>10</sup>
  - b. Provide detailed guidance and training for Commonwealth procurement officers on the implementation of the Commonwealth Procurement rules, to ensure that officers can effectively identify, prevent and mitigate the risk of gross human rights abuses, including human trafficking and slavery in the supply chains of procured goods and services;<sup>11</sup>
  - c. Ensure that Commonwealth Procurement Officers receive
6. Limit access to Australian Government procurement opportunities to firms which are assessed as having a low risk of human trafficking and slavery, or have satisfied mandatory requirements regarding human rights in their supply chains.

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<sup>9</sup> Joint Select Committee on Government Procurement, Parliament of Australia, *Buying into our Future Review of amendments to the Commonwealth Procurement Rules*

<sup>10</sup> *Ibid*, iii.

<sup>11</sup> *Ibid*, 68, [5.41]-[5.43], and 72, [5.55]