Calling for a Robust Modern Slavery Act Briefing Sheet
An Anti-Slavery Commissioner

Human trafficking, slavery and slave like practices place victims into situations of horrific abuse and violations. Those who are most vulnerable are also those who are least powerful in our societies: women, young people, children, victims of war and forced migration, and those who are poor. This crime is also often connected to organised crime and is difficult to detect and investigate cases in order to bring convictions.

We believe an Independent Anti-Slavery Commissioner will be essential to be appointed to oversee Australia’s implementation of any Modern Slavery Act and the complexities associated with the same. This requires a sophisticated and cross-departmental approach with Government. It crosses human rights, human services and law enforcement at a minimum. Its implementation will require building relationships with the States, NGOs, Trade Unions, business and the legal community.

The Role of the Commissioner can include:

• work with companies to assist in establishing best practice in avoiding slavery in supply chains, through the provision of guidelines and resources that reflect an international best practice standard.
• ensuring that victims are put in touch with necessary support services such as health care, legal aid and housing requirements.
• carrying out investigations into reported slavery and slavery-like practices, produce annual reports, collaborate with government and police in anti-slavery law enforcement and work with organisations and public authorities to ensure that victims are provided with adequate support.
• addressing any gaps in Australia’s response and the Government’s work in tackling human trafficking, slavery and slave like practices.
• Promoting awareness of the issues involved around human trafficking, slavery and slave like practices and the actions people can take to prevent it

The Department of Foreign Affairs and Trade has a role for Ambassador for People Smuggling and Human Trafficking. This role works closely with the Operation Sovereign Borders (OSB) Joint Agency Task Force. The Ambassador also leads Australia’s international engagement to help address human trafficking and slavery, through 45-country regional grouping known as the Bali Process. The Commissioner would also need to work closely with the Ambassador so domestic and international strategies synergise.

The Independent Anti-Slavery Commissioner, Mr Kevin Hyland, does not oversee process related to business. This is in part because of the different contexts of Australia and the UK. The UK has far more work in the area of their criminal code whereas Australia has more in the area of supply chains.

Such a role needs to be adequately resourced for the task. The current resourcing for some Australian Commissions is as follows

• Australian Law Reform Commission - $3 million
• Australian Commission for Law Enforcement Integrity – $12 million
• Australian Crime Commission - $117 million
• Australian Competition and Consumer Commission - $182 million

Anti-Slavery Australia, in their submission to the Inquiry proposes an alternative model, namely that of an Ombudsman. An Ombudsman would have the capacity to do such things as receive complaints, protect human rights and lead systemic social and community change. The current resourcing for some Australian Ombudsmen is as follows

• Office of the Commonwealth Ombudsman $23 million
• Office of the Fair Work Ombudsman $113 million

Essential to the success of this office is the adequate resourcing, the capacity of the role to work multi-sectorially and its independence.


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