

# AUSTRALIAN PARLIAMENTARY COMMITTEE RECOMMENDS BANNING GLOBAL IMPORTS MADE USING FORCED LABOUR

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Legal Briefings - By **Timothy Stutt and Emily Mackay**

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The Australian Senate Foreign Affairs, Defence and Trade Legislation Committee has released a [report](#) in support of banning imports made using forced labour on 17 June 2021.

The report relates to the *Customs Amendment (Banning Goods Produced By Uyghur Forced Labour) Bill 2020* (the **Bill**), which seeks to amend the *Customs Act 1901* (Cth) in order to prohibit the importation of goods produced or manufactured in the Xinjiang region of China.

While the Committee has expressed support for the Bill, the report goes further and recommends a *global* ban on imports made using forced labour.

## RECOMMENDATIONS - NEW IMPORT LAWS TO WORK IN HARMONY WITH AUSTRALIA'S MODERN SLAVERY ACT

The report's recommendations include:

1. the *Customs Act 1901* and/or other relevant legislation be amended to prohibit the import of any goods made wholly or in part with forced labour, regardless of geographic origin;
2. empowering the Australian Border Force to be able to issue rebuttable presumptions for

specific goods, companies and/or regions with particularly high risk of being associated with the use of forced labour;

3. establishing and maintaining a list of products or companies considered to be at high-risk of being produced by forced labour;
4. reviewing Australia's *Modern Slavery Act 2018* as soon as possible following the conclusion of the first reporting cycle on 30 June 2021, including considering provisions for its strengthening and broadening;
5. establishing an independent body to oversee and enforce the implementation of the *Modern Slavery Act*; and
6. introducing guidelines to assist Australian businesses to avoid sourcing products from forced labour.

## IS THIS THE NEW STATUS QUO?

Internationally, the Bill is not the first of its kind. The United States has prohibited the importation of any goods mined, produced or manufactured with the use of forced labour since 2016, under the *Tariff Act of 1930*.

The [United Kingdom](#) and [Canada](#) have also taken steps to prohibit the import of goods produced using forced labour.

## WHERE TO FROM HERE?

While the report is not binding on the Australian Government, it is clear from its contents and international developments that supply chain due diligence is becoming increasingly important.

Companies must ensure that they have robust processes in place to assess all product inputs, and monitor geographic regions where forced labour may be prevalent.

While the Australian Government's eventual response is unknown, this is not the first time that it has considered the issue. In October 2020, when [responding to the joint standing committee's report](#) on the *Modern Slavery Act*, the Australian Government 'noted' the recommendation to introduce import restrictions to address modern slavery risks, and committed to monitor their effectiveness and suitability.

The Australian Government is expected to respond to the report within three months.

## KEY CONTACTS

If you have any questions, or would like to know how this might affect your business, phone, or email these key contacts.



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