

SHOULD A MODERN SLAVERY ACT BE INTRODUCED IN AUSTRALIA?

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Legal Briefings - By **Antony Crockett, Senior Associate**

On 15 February 2017, Australia's Attorney-General requested a parliamentary committee to enquire into and report on the introduction of a Modern Slavery Act in Australia. Among other things, the enquiry will consider whether Australian businesses should be required to disclose the steps they have taken to ensure that slavery or forced labour is not occurring in any part of their business or supply chains.

This aspect of the enquiry has been prompted by the United Kingdom's adoption of the Modern Slavery Act 2015 (the **UKMSA**) which we discuss in detail [here](#). In addition to consolidating the law relating to slavery, servitude, forced labour and trafficking, the UKMSA imposes a reporting requirement applicable to businesses with a commercial presence in the UK and worldwide turnover in excess of £36 million. Companies to which this reporting requirement applies are obliged to prepare an annual public statement providing details of the steps they have taken to ensure they are not involved in modern slavery. Companies that take no such steps must say so in their statement.

Given that the UKMSA reporting requirement apply to businesses with a commercial presence in the UK, some Australian companies will be obliged to (and indeed have) published UKMSA statements. While the terms of reference for the Australian enquiry ask whether Australia should adopt legislation comparable to the UKMSA the Committee has also been asked to examine the efficacy of the UKMSA provisions and to consider 'whether similar or improved measures should be introduced in Australia'. It is therefore possible that the Australian Government might decide to adopt stricter rules than have been imposed in the United Kingdom. Indeed, reforms are already under discussion in the UK parliament, including to expand the application of the reporting requirements to public bodies and to make compliance with the requirement mandatory for any company bidding for public contracts.

In addition to the reporting requirements and the consolidation of relevant existing laws, the UKMSA provided for the appointment of an Anti-Slavery Commissioner to oversee prevention, detection and prosecution of these offences. Similar offences are set out in Australia's Criminal Code and it can be expected that submissions to the enquiry will call for more active detection and prosecution efforts by the Australian Government.

The enquiry is being conducted by the Foreign Affairs and Aid Sub-Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade. Interested persons and organisations may make submissions until 28 April 2017 by following this [link](#).

The [International Labour Organisation](#) estimates that 21 million people worldwide are victims of forced labour and that the vast majority of victims are exploited by private individuals or enterprises. It is estimated that forced labour in the private sector generates US\$150 billion in profits each year.

[Business and Human Rights hub](#)

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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