

## COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Australia - 2021

***THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY  
LABOUR Protocol of 2014 P029 to the Forced Labour Convention***

### REPORTING

#### Fulfillment of Government's reporting obligations

p29 Fulfillment of Government's reporting obligations

Yes

#### Involvement of Employers' and Workers' organizations in the reporting process

**91. When preparing its report, the Government consulted [10.1]**

a) The most representative employers organizations, b) The most representative workers organizations, c) The competent authorities?

**92. To which employers organizations was the report sent? [12] Please provide the list**

In accordance with the provisions of Article 23 of the ILO Constitution, copies of this report has been forwarded to the Australian Chamber of Commerce and Industry (ACCI) prior to submission.

**93. To which workers organizations was the report sent? [13] Please provide the list**

In accordance with the provisions of Article 23 of the ILO Constitution, copies of this report has been forwarded to the Australian Council of Trade Unions (ACTU) prior to submission.

**94. Please describe the consultation process(es). [10.2]**

The Australian Government regularly consults with the social partners through the International Labour Affairs Committee which meets tri-annually, as well as through ad hoc

	consultations. Social partners have been consulted on, and expressed support for, the Australian Government's decision to progress ratification of the Forced Labour Protocol.
--	--

**OBSERVATIONS BY THE SOCIAL PARTNERS**

**Employers' organizations**

95. Did employers organizations comment on the report? [11a]	No
--	----

**Workers' organizations**

96. Did workers organizations comment on the report? [11b]	No
--	----

**EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL**

**Ratification**

**Ratification status**

p29 Ratification status	<b>NB: P029 ratified on 31 March 2022</b>
-------------------------	---

**Ratification intention**

61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Likely. See above
---	-------------------

62. What, if any, are the impediments to the ratification of the 2014 Protocol to Convention No. 29?	Under Australia's long-standing treaty ratification policy, a treaty will not be ratified unless domestic law and practice give effect to it and all jurisdictions have indicated their support for ratification. The Western Australian Government has been progressing legislative change to ensure their
--	---

	<p>jurisdiction's law and practice is consistent with the Protocol. On 16 December 2021, the Industrial Relations Legislation Amendment Bill 2021 was passed by the Western Australian State Parliament. Once it enters into force, it will extend coverage of the Industrial Relations and Minimum Conditions of Employment Acts to those employees currently excluded. This will remove the barrier to Australia ratifying the Protocol of 2014 to the Forced Labour Convention 1930.</p>
--	---

**Existence of a policy and or plan of action for the suppression of forced or compulsory labour**

<p><b>63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]</b></p>	<p>Yes</p>
---	------------

<p><b>65. Please also indicate the manner in which employers' and workers' organizations have been consulted. [1.3]</b></p>	<p>The Government undertook an extensive community consultation process to develop the National Action Plan. The Government received 47 written submissions from a range of stakeholders including peak bodies, civil society and academia (list of contributors and submissions available here: <a href="https://www.homeaffairs.gov.au/reports-and-publications/submissions-and-discussion-papers/combat-modern-slavery-2020-25">https://www.homeaffairs.gov.au/reports-and-publications/submissions-and-discussion-papers/combat-modern-slavery-2020-25</a>). The Government also conducted 27 targeted community consultation workshops across all Australian states and territories, and led dedicated consultations with members of the National Roundtable on Human Trafficking and Slavery.</p>
---	---

<p><b>67. Does the Government wish to receive ILO assistance in developing a national policy and/or plan of action in this regard? [1.4b]</b></p>	
---	--

<p><b>68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]</b></p>	<p>Yes</p>
<p><b>69. Please describe these measures. [1.5]</b></p>	<p>Please see response to question 64.</p>
<p><b>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</b></p>	<p>Yes</p>
<p><b>71. Please describe these data. [1.6.1]</b></p>	<p>The Australian Government collects data on modern slavery (including forced labour) in Australia. Statistics can be found in the reports published by the Interdepartmental Committee on Human Trafficking and Slavery. The 2017-20 report was tabled in Parliament on 23 November 2021, and is available on the Department of Home Affairs' website <a href="https://www.homeaffairs.gov.au/criminal-justice/files/report-of-the-interdepartmental-committee-on-human-trafficking-and-slavery-2017-2020.pdf">https://www.homeaffairs.gov.au/criminal-justice/files/report-of-the-interdepartmental-committee-on-human-trafficking-and-slavery-2017-2020.pdf</a> As at 30 June 2020, a total of 546 clients received specialised support via the STPP since its establishment in 2004, with 98 clients supported in 2017-18, 149 in 2018-19, and 188 in 2019-20. The majority of referrals to the STPP during the reporting period related to forced marriage and labour exploitation The Australian Federal Police (AFP) also collects data on the number of reports of modern slavery it receives per year, broken down by offence type. In the 2020-21 financial year, the AFP received 35 reports of forced labour (this represented 16% of all reports of modern slavery). Victims' voices lead the way on World Day against Trafficking in Persons   Australian Federal Police (afp.gov.au) In the 2019-20 financial year, the AFP received 29 reports of</p>

forced labour (this represented 13% of all reports of modern slavery). Stop human trafficking happening in plain sight | Australian Federal Police (afp.gov.au). Under the National Action Plan, the Government has established Monitoring and Evaluation Framework that will enhance data collection and information sharing.

## Measures taken or envisaged for systematic and coordinated action

**64. Please describe the measures envisaged, the established objectives and the authorities responsible for the implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]**

In December 2020, the Australian Government launched the National Action Plan to Combat Modern Slavery 2020–25 (the National Action Plan), which provides the strategic framework for Australia’s response to modern slavery (including forced labour) from 2020 to 2025 (further information below). The National Action Plan is available here:

<https://www.homeaffairs.gov.au/criminal-justice/files/nap-combat-modern-slavery-2020-25.pdf>. Objectives The mission of the National Action Plan is for the Australian Government, working in partnership with others, to actively prevent and combat all forms of modern slavery (including forced labour), wherever it occurs, including by supporting, protecting and empowering victims and survivors. The National Action Plan identifies five National Strategic Priorities to focus the Government’s efforts: • Prevent modern slavery by combating the drivers of these crimes and empowering individuals and groups that are vulnerable to modern slavery. • Disrupt, Investigate and Prosecute modern slavery by identifying victims and survivors, implementing disruption strategies and holding perpetrators to account through effective investigations and prosecutions. • Support and Protect victims and survivors by providing holistic and tailored victim centred support and protection. • Partner across government and with international partners, civil society, business, unions and academia

to ensure a coordinated response to modern slavery. • Research by strengthening data collection and analysis to build the evidence base that supports our response to modern slavery. Measures Australia’s response to modern slavery, including forced labour, is outlined in: • the snapshot of existing measures on page 35, which includes criminal justice, training, research, collaboration, international and regional engagement, and support and protection measures; and • the 46 Action Items on pages 23-31, which the Government has committed to delivering over the life of the National Action Plan. Responsibility for implementation and coordination The Australian Border Force leads the whole-of-government domestic policy response to modern slavery (including forced labour), which includes overseeing implementation of the National Action Plan. The roles of other agencies that contribute to Australia’s response to modern slavery are outlined on page 33. Specific Action Items are allocated to responsible agencies (see pages 23-31). Assessment The National Action Plan’s Monitoring and Evaluation Framework is the primary mechanism for assessing progress under the plan, and was developed by the Australian Institute of Criminology (Action Item 40). The Monitoring and Evaluation Framework will track and assess progress against short, medium and long-term outcomes of the National Action Plan. The Government will provide updates on implementation of the National Action Plan to Parliament and other key stakeholders.

**Measures taken or envisaged to prevent forms of forced labour**

**74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]**

Yes

<p><b>75. If so, please indicate the type of measures, [2.2]</b></p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers,b) Strengthening and broadening of the coverage of legislation, particularly labour law,c) Regulation and supervision of the labour recruitment and placement process,d) Supporting due diligence by the public and private sectors,e) Addressing the root causes that perpetuate forced labour,h) Capacity building for the competent authorities</p>
--	---

**Measures taken or envisaged to protect victims of forced labour**

<p><b>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</b></p>	<p>Yes</p>
---	------------

<p><b>77. If so, please indicate the type of measures [3.2]</b></p>	<p>a) Training of relevant actors for identification of forced labour practices,b) Legal protection of victims,c) Material assistance for victims,i) Specific measures for migrants</p>
---	---

**Measures taken or envisaged to facilitate access to remedies**

<p><b>78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]</b></p>	<p>Yes</p>
--	------------

<p><b>79. If so, please indicate the type of measures, [4.2]</b></p>	<p>a) Information and counselling for victims regarding their rights,d) Development of forced labour indicators,e) Access to remedies and compensation,f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges,g) Provision for authorities not to prosecute victims for acts</p>
--	--

	which they have been compelled to commit,h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons
<b>80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]</b>	
<b>Non-prosecution of victims for unlawful acts that they would have been forced to carry out</b>	
<b>79.g. Please provide a description of measures taken or envisaged:</b>	Commonwealth: Under provision 10.2 of the Criminal Code Act 1995, duress may excuse a person who is compelled to commit an offence by threats.
<b>79.g. Please indicate the population groups benefiting from these measures and the relevant forced labour practices:</b>	Victims of human trafficking and slavery.
<b>Cooperation with other Member States, international / regional organizations or NGOs</b>	
<b>81. Does the Government cooperate with other member States, international and regional organizations, or non-governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</b>	Yes
<b>82. Please briefly describe the modalities of this cooperation. [5.2]</b>	The Australian Government has a whole-of-community approach to combating modern slavery, including forced labour. Under the National Action Plan, partnering across government and with international partners, civil society, business, unions and academia to ensure a coordinated response to modern slavery is a National Strategic Priority a) Other member states: The ABF delivers targeted, peer-to-peer technical assistance and capacity building to Indo-Pacific partner governments to strengthen and effectively implement legal and



	<p>policy frameworks to combat human trafficking and other forms of modern slavery, including forced labour. In addition to the cooperation detailed in Australia’s 2018-19 Annual Report, Australia plays a leading role in Alliance 8.7 as a member of the Global Coordinating Group. b) International and regional organisations: Australia co-chairs (with Indonesia) the Bali Process Working Group on Trafficking in Persons, which promotes more coordinated and effective regional responses to human trafficking, including for the purpose of forced labour. c) Non-governmental organisations: Under the National Action Plan, the Government prioritises ongoing collaboration with civil society, business, unions and academia, including through the Government’s National Roundtable on Human Trafficking and Slavery and the Modern Slavery Expert Advisory Group. To address modern slavery risks in global supply chains, the Government will host a national modern slavery conference to bring together government, business and civil society and drive action to tackle modern slavery. The Government will also continue to support the work of civil society organisations to combat modern slavery through the delivery of grant funding.</p>
--	---

**Promotional activities**

<p><b>90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]</b></p>	<p>N/A - relevant URLs provided throughout E-Questionnaire in responses to relevant questions.</p>
---	--

**Special initiatives or Progress**

<p><b>85. Please describe any significant changes which have taken place since your last report (for example, changes in the legislative and institutional framework, launching of major programmes, new data, changes in the number of persons in forced labour who have been identified, released and</b></p>	<p>Commonwealth: See above (launch of the National Action Plan to Combat Modern Slavery 2020-25). The Fair Work Ombudsman (FWO) has also established operational processes, created educational resources and delivered training to ensure that staff identify and respond to potential instances of human trafficking and slavery. This includes: • collaborating with the</p>
---	---

protected, penalties imposed on perpetrators). [7]

AFP to develop and deliver a tailored training package, to support inspectors to identify and refer suspected instances of human trafficking and slavery; and • providing training and operational guides to Fair Work Inspectors that help them to identify and refer human trafficking and slavery matters to the AFP. NSW: The Modern Slavery Amendment Act passed the NSW parliament on 19 November 2021 and will come into effect from 1 January 2022. When it commences the Modern Slavery Amendment Act will make victims support generally available to victims of acts of modern slavery committed in NSW. South Australia: Section 11 of the Labour Hire Licensing Act 2017 (SA) Act (the Act) requires a person who provides labour hire services to be authorised by a licence. Section 12 of the Act requires users of labour hire services to engage licensed providers. A maximum penalty of \$140,000 for a person and \$400,000 for a body corporate apply for breaches of these provisions of the Act. Consumer and Business Services assess licence applications against the criteria contained in the Act. A scheme assists users of labour hire services and workers locate licensed labour hire providers through a register. In 2020, the South Australian Government amended the Act to ensure the provisions focused on workers in industries at high-risk of exploitation. Under the Act, a licence is required for labour hire providers who provide workers undertaking horticulture processing, meat processing, seafood processing, cleaning and trolley collection. Western Australia: On 16 December 2021, the Industrial Relations Legislation Amendment Bill 2021 was passed by the Western Australian State Parliament. Once it enters into force, it will extend coverage of the Industrial Relations and Minimum Conditions of Employment Acts to those employees currently excluded. This will remove the barrier to Australia ratifying the Protocol of 2014 to the Forced Labour Convention 1930.

90. Please provide URL(s) to any new information on efforts made to respect, to promote and to realize the principle

N/A - relevant URLs provided throughout E-Questionnaire in responses to relevant questions.

of effective and sustained suppression of forced or compulsory labour through prevention, victim protection and access to remedies. [14]

### According to the social partners

86. What are the main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies? [8]

m) Other

### TECHNICAL COOPERATION NEEDS

#### Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

No