



AUSTRALIAN CATHOLIC BISHOPS CONFERENCE

Bishops Commission for Pastoral Life

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Dr Joshua Forkert
Inquiry Secretary
Joint Standing Committee on Foreign Affairs, Defence and Trade
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Dear Dr Forkert

Inquiry into establishing a Modern Slavery Act in Australia

This submission from the Australian Catholic Bishops Conference (ACBC) as prepared by the Bishops Commission for Pastoral Life (BCPL) is made in support of establishing a Modern Slavery Act in Australia.

The ACBC is a permanent institution of the Catholic Church in Australia and the instrumentality used by the Australian Catholic Bishops to act nationally and address issues of national significance.

The BCPL is one of a number of commissions established by the ACBC to address important issues both within the Church and in the broader Australian community. The BCPL has responsibility for commenting on modern slavery and human trafficking.

The Catholic Church is the largest religious group in Australia with 5.4 million or one in four Australians identifying as Catholic. The Church provides Australia's largest non-government grouping of hospitals, aged and community care services. There are over 1700 Catholic schools in Australia enrolling more than 750,000 students.

The ACBC seeks to participate in public debate by making reasoned arguments that can be considered by all people of goodwill.

The ACBC appreciates the opportunity to make a submission to the *Inquiry into establishing a Modern Slavery Act in Australia*. This inquiry is vital and timely as there is a wide international agreement that, while much has been done to eradicate modern slavery and forced labour, they continue to expand and more must be done to overcome and eradicate these evils.

Modern slavery

Modern slavery includes “... human trafficking, slavery and slavery like practices such as servitude, forced labour, forced or servile marriage, the sale and exploitation of children, and debt bondage.”¹

Pope Francis has become the most articulate and vocal advocate for the eradication of modern slavery now. As the Holy Father says, “... modern slavery — in the form of human trafficking, forced labour, prostitution or the trafficking of organs — is a crime ‘against humanity’. The victims of this are from every walk of life, but most are found among the poorest and the most vulnerable of our brothers and sisters.”²

Last year the Vatican under Pope Francis’s leadership committed to slavery-proof its own supply chains.³

Australians too have a moral imperative to eradicate the injustice of modern slavery. If we know that a person’s human dignity is being harmed in this way, we should do what we can to free them from that ill-treatment.

Australia adopted the goal of eradicating modern slavery, human trafficking and forced labour as one of the nations participating in the unanimous General Assembly vote for the United Nations’ Sustainable Development Goals on 25 September 2015. This was the very day on which Pope Francis addressed the United Nations General Assembly and spoke about slavery and human trafficking.

Goal 8.7 of the UN Sustainable Development Goals commits all UN members to “take immediate and effective measures to eradicate forced labour, end modern slavery and human trafficking and secure the prohibition and elimination of the worst forms of child labour, including recruitment and use of child soldiers, and by 2025 end child labour in all its forms.”⁴

Pope Francis has been a key advocate of this goal, which seeks eradication of the “atrocious scourge” and the “open wound” of modern slavery in this generation.⁵ National policy should be directed towards this objective.

¹ Walk Free Foundation, *The Case for an Australian Modern Slavery Act*. The Minderoo Foundation Pty Ltd, 2017. Page 4.

² Address of His Holiness Pope Francis, Ceremony for the Signing of the Faith Leaders’ Universal Declaration Against Slavery. Casina Pio IV, Tuesday 2 December 2014.

³ Cardinal Pell: Vatican will “slave-proof” supply chain. Vatican Radio, 19 January 2016. See: <http://www.news.va/en/news/cardinal-pell-vatican-will-slave-proof-supply-chain>

⁴ United Nations’ Sustainable Development Goals. Goal 8: Promote inclusive and sustainable economic growth, employment and decent work for all. See: <http://www.un.org/sustainabledevelopment/economic-growth/>

⁵ White, C, ‘Pope Francis, world leader of the modern anti-slavery movement.’ *Crux*, 30 July 2016. See: <https://cruxnow.com/catholic-voices/2016/07/30/chris-white-piece-human-trafficking/>

The Walk Free Foundation's Global Slavery Index estimates there are more than 45 million people who are victims of modern slavery today, with 4,300 of those people living in Australia.⁶

Our generation has demonstrated a desire to eradicate modern slavery, both in Australia and through the power of international cooperation to destroy slavery-tainted supply lines by 2030.

A Modern Slavery Act for Australia

The Australian Catholic Bishops Conference wants the Australian Parliament to pass a Modern Slavery Act that includes:

- An independent Anti-Slavery Commissioner with the resources to drive efforts to eradicate modern slavery and hold large organisations accountable;
- A requirement for all large organisations operating in or doing business in Australia – businesses, governments and not-for-profits – to provide an annual public statement on steps they are taking to eradicate slavery from their organisation and supply chains; and
- A central, publicly-accessible repository, to store the annual statements provided by large organisations.

It is important that Australia implements a consistent national approach in legislation to eradicate modern slavery.

The United States of America has anti-slavery regulations in place with President Obama signing an Executive Order in 2012 – *Strengthening Protections Against Trafficking in Persons in Federal Contracts*⁷ – and with California passing *The California Transparency in Supply Chains Act*,⁸ which also came into force in 2012.

President Obama's order states that "as the largest single purchaser of goods and services in the world, the United States Government bears a responsibility to ensure that taxpayer dollars do not contribute to trafficking in persons."⁹ Australia's Commonwealth, state and territory governments are also very significant purchasers of goods and services and should also ensure Australian taxpayer dollar do not contribute to slavery through slavery-tainted supply lines.

The United Kingdom's *Modern Slavery Act* has demonstrated the power of having an Anti-Slavery Commissioner and the value in large businesses publicly reporting on their efforts

⁶ See: www.globalslaveryindex.org

⁷ Executive Order – Strengthening Protections Against Trafficking In Persons In Federal Contracts, The White House, 25 September 2012.

⁸ *The California Transparency in Supply Chains Act: A Resource Guide*. Kamala D Harris, Attorney General, California Department of Justice, 2015.

⁹ Executive Order – Strengthening Protections Against Trafficking In Persons In Federal Contracts, The White House, 25 September 2012.

to eradicate slavery from their supply chains. But there are a number of reported weaknesses with the UK's legislation, including:

- It does not apply to UK companies or individuals operating overseas¹⁰
- It does not allow victims of slavery, trafficking or forced labour to seek civil compensation,¹¹ and
- It does not apply to government organisations and their suppliers.¹²

The Australian Parliament has the opportunity to learn from these jurisdictions to draft stronger legislation.

Catholic Church moving to eradicate slavery from supply chains

As an example to others and to spur reform, Sydney Archbishop Anthony Fisher OP announced in March to a New South Wales committee investigating human trafficking that the Archdiocese of Sydney would slavery-proof its supply chains.

Archbishop Fisher said the Archdiocese "... will review and revise all relevant contractual and business practice documentation, including the Archdiocese's Guide for Business Practice, to highlight the church's commitment to eradicating human trafficking. We will as far as possible only purchase slavery-proofed products and services, and as far as possible only contract with firms who certify that their goods and services are not tainted by human trafficking."¹³

A full copy of Archbishop Fisher's statement is at **Attachment A**.

This announcement is significant as the Catholic Church is one of the largest purchasing groups in Australia after government.

Australia's Catholic bishops will look to the Archdiocese of Sydney to model how slavery-free supply chains can be achieved.

The challenge of modern slavery

There are a number of challenges to exposing modern slavery and human trafficking both in Australia and overseas.

¹⁰ Chandran, P, Modern Slavery Act gives UK companies a free pass to profit from slavery overseas. The Guardian, 18 October 2016. See: <https://www.theguardian.com/sustainable-business/2016/oct/18/modern-slavery-act-gives-uk-companies-a-free-pass-to-profit-from-slavery-overseas>

¹¹ Chandran, P, Modern Slavery Act gives UK companies a free pass to profit from slavery overseas. The Guardian, 18 October 2016. See: <https://www.theguardian.com/sustainable-business/2016/oct/18/modern-slavery-act-gives-uk-companies-a-free-pass-to-profit-from-slavery-overseas>

¹² Crockett, A., Should a Modern Slavery Act be introduced in Australia. Herbert Smith Freehills Legal Briefings, 9 March 2017. See: <https://www.herbertsmithfreehills.com/latest-thinking/should-a-modern-slavery-act-be-introduced-in-australia>

¹³ Archbishop Anthony Fisher OP speaking to the NSW Legislative Council's Select Committee on Human Trafficking. Transcript of the Inquiry into Human Trafficking in New South Wales. Parliament House, Sydney, Tuesday 28 March 2017, page 14.

The first is raising the awareness of Australians of the existence of modern slavery. Australians are often not aware slavery still exists, even in a wealthy country like Australia, making it much harder for them to recognise what they might see. Modern slavery cannot be exposed and eradicated until people understand what it is.¹⁴

The second is that the restraints on enslaved people are both psychological and physical. Threats are made against their family, they are told they owe a massive financial debt they must pay off, their passport is taken from them and they may be afraid of contacting authorities and being deported.¹⁵

The third is that slavery, as Pope Francis reminded the UN General Assembly, is a terrible consequence of economic and social exclusion inflicted on vulnerable people on the margins.¹⁶ Economic and social exclusion should be addressed to reduce the risk that people will be shackled by modern slavery.

People are vulnerable to slavery and human trafficking when:

- the human dignity of each person is not recognised, so people are treated as an object or a means to an end
- People are in poverty and don't have access to adequate education or employment
- money and not people are put at the centre of the economy, or
- conflict and violence force people to flee, putting themselves at greater risk of falling victim to trafficking and modern slavery.¹⁷

My brother Bishop Vincent Long Van Nguyen, chair of the Australian Catholic Social Justice Council, commented that "human trafficking and similar forms of exploitation ... flourish because of society's greed for cheap goods and services and because it is so easy to forget that those who meet these needs are human beings with their own innate God-given dignity."¹⁸

Australia's Catholic bishops continue to support the very valuable work undertaken to eradicate modern slavery and human trafficking by Australian Catholic Religious Against Trafficking in Humans (ACRATH).

¹⁴ Short, F and Lloyd, T, We need to change what people think modern slavery is. *The Conversation*, 13 April 2016. See:

¹⁵ Carolan, C and Simmons SM, N, *Human Trafficking and Slavery: A Response from Australian Catholics*. Catholic Social Justice Series No. 79, Australian Social Justice Council, 2016. Page 10.

¹⁶ Address of the Holy Father, Pope Francis, Meeting with the Members of the General Assembly of the United Nations. UN Headquarters, New York, 25 September 2015.

¹⁷ "No longer slaves, but brothers and sisters." Message of His Holiness Pope Francis for the Celebration of the World Day of Peace, 1 January 2015.

¹⁸ Bishop Vincent Long in Carolan, C and Simmons SM, N, *Human Trafficking and Slavery: A Response from Australian Catholics*. Catholic Social Justice Series No. 79, Australian Social Justice Council, 2016. Page 3.

Conclusion

A structured approach is needed to help protect marginalised people from the deep-seated factors that put them at risk of the shackles of modern slavery and human trafficking. A Modern Slavery Act should provide that structure in Australia and strongly advance Australia's goal to eradicate modern slavery in our generation.

I would be happy to answer any questions the Committee may have. I can be contacted via Mr Jeremy Stuparich, Public Policy Director at the ACBC on _____ or at _____

Yours sincerely

Most Rev Terence Brady
Auxiliary Bishop of Sydney
Chair of the Bishops Commission for Pastoral Life

Attachment A



Address of the Archbishop of Sydney, Most Rev. Anthony Fisher OP, to the Select Committee of the Legislative Council of New South Wales on Human Trafficking Parliament House, 28 March 2017

Good afternoon Chair and Honourable members, and thank you for the invitation to address you today. Might I begin by commending the Legislative Council for establishing this Select Committee. I take as my starting point that all decent Australians regard as abhorrent human trafficking, slavery and slavery-like practices such as forced labour or forced marriage, domestic, sexual, or other servitude – all of which I will refer to hereafter under the label ‘human trafficking’; that we would all wish to know the extent to which such practices are occurring in our state of New South Wales and to see them eradicated here; and that we would want to ensure that no activity within our state contributes to human trafficking in other places.

Most people continue to think human trafficking a thing of the past, yet the very existence of this Committee is testament to the ongoing problem. The United Nations has recognised that this repugnant activity continues in our world and the members have unanimously called for its eradication, immediately if possible and certainly by no later than 2030.¹ Pope Francis has called it an ‘open wound on modern society’ and a ‘crime against humanity’.² And in December 2014 leaders of many of the world’s faith communities called upon their members to work together to eradicate these vile scourges by 2020 and for all time.³ Religious and civic leaders concur, therefore, in their aspiration and

determination that this will be the last generation to know the phenomenon of slavery.

This is not a new resolve. From the earliest times many Christians campaigned to abolish the slave trade, to stamp out the kidnapping, trafficking, ownership and exploitation of human beings as if they were chattels, and to liberate and assist those already caught in that terrible web.⁴ Regrettably, other Christians and believers profited from or at least acquiesced in this practice. The modern campaign against slavery in the Anglosphere was largely associated with evangelicals such as the English poet, John Newton (1725–1807), a convert from slave-trader to Anglican minister, who wrote the popular Christian hymn, *Amazing Grace* (1779). In 1788, as the first fleet was arriving in Sydney, Newton was publishing his blazing tract, *Thoughts upon the Slave Trade*, which described the horrific conditions on the slave ships. “It will always be a subject of humiliating reflection to me,” he said, “that I was once an active instrument in a business at which my heart now shudders.” The pamphlet was distributed to all MPs and helped the campaign of his spiritual protégé, William Wilberforce, to outlaw the slave trade in the British Empire. Newton lived just long enough to see Wilberforce’s bill become law in 1807, only days before he died.

Much has been achieved. But fifty years ago the Second Vatican Council (1962-1965) recognised that it was not yet time for the antislavery movement to pack its bags. It declared certain sins especially “infamous” on three counts: “they poison human society, damage the perpetrators even more than the victims, and supremely dishonour the Creator”.⁵ Amongst these *infamies* the Council included direct attacks on human life (such as genocide, murder, abortion and euthanasia), direct attacks upon human integrity (such as mutilation, torture and coercion) and direct attacks upon human dignity (such as arbitrary imprisonment or deportation, slavery and prostitution, trafficking in women and

children, and otherwise treating human beings as mere tools for others' profit). The Council rather presciently listed slavery amongst the worst evils yet to be effectively abolished from human society and the willingness to enslave others amongst the worst evils yet to be eradicated from the human heart.

Half a century later Pope Francis has been a tireless champion of this cause⁶ and the Catholic Church, along with other churches and faiths, is playing an ever-growing role in the international effort to stamp out human trafficking, even as we recognise the proper responsibility of international, national and state authorities in these matters.

It is my firm hope that this Select Committee will recommend and that the Parliament of New South Wales will enact further measures to identify and liberate anyone suffering from human trafficking in our state, to prevent this recurring, and to discourage this in other parts of the world. As the single largest procurer of goods and services in the state of New South Wales – to the tune of nearly \$14 billion p.a. – the New South Wales government has very considerable financial muscle in this area. It also has the authority to appoint an Anti-Slavery Commissioner mandated to identify any continuing human trafficking, domestic, sexual or other servitude, or other instances of modern slavery in our state, to oversee the government's slavery-proofing of its supply lines, to report on activities by non-government agencies in NSW, and to promote public awareness and good practice in these matters. NSW might also urge the Federal Government to legislate along the lines of the recent British Anti-Slavery Act.

But it is not enough for groups such as churches to lecture or exhort the rest of the community in such matters: we must demonstrate our own willingness to act where we can.

The Vatican has already committed itself to slavery-proofing all its procurement practices and supply lines.⁷ It is no small task to ensure that everything we use has been obtained ethically; that everything we obtain has itself been produced and supplied ethically and sustainably; and that those upon whom we rely or with whom we are affiliated are like-minded. It is no small task but we must try: as Pope Francis has pointed out, buying goods is not just a commercial matter, it has ethical and moral dimensions.⁸

What might the Church here *in Sydney* do? I take this opportunity to inform this Parliamentary Select Committee today of the commitment of the Archdiocese of Sydney to a programme directed to the eradication of human trafficking, including the following practical measures on our own part:

1. We will review and revise all relevant contractual and business practice documentation, including the Archdiocese's *Guide for Business Practice*, to highlight the Church's commitment to eradicating human trafficking.
2. We will as far as possible only purchase slavery-proofed products and services, and as far as possible only contract with firms who certify that their goods are not tainted by human trafficking.
3. We will maintain a register of suppliers who have given the requested certification about their goods and services and ensure that all Archdiocesan chancery, parishes, schools, agencies and affiliates, as well as our major suppliers, are fully aware of this procurement policy and understand the principles and practices set out in the revised Archdiocesan *Guide*.
4. We will establish an Archdiocesan Anti-slavery Taskforce with a specific mandate: (1) to promote this new ethical procurement policy throughout the Archdiocese; (2) to prepare resources and conduct programmes for the Catholic faithful and other people of good will

about eradicating human trafficking; (3) to devote some part of the energies of the Archdiocesan Office of Justice and Peace, parishes, schools and other agencies to educating about and campaigning to end human trafficking; (4) to partner with and support the work of Australian Catholic Religious Against Human Trafficking and other organisations, particularly in their mission to assist victims of human trafficking.

5. As Metropolitan Archbishop I will seek: to work with the other bishops of my own province of New South Wales, as a member of the Permanent Committee of the Australian Catholic Bishops' Conference to work with other bishops in Australia, and as a religious leader to work with major superiors and leaders of Catholic education, health and aged care and welfare services, to establish regional policies and other efforts to eradicate human trafficking.
6. I will also seek through contacts with the Holy Father and the Vatican departments to strengthen and expand international initiatives by the Church to campaign to eradicate human trafficking.
7. As Archbishop of Sydney I will also work with the leaders of other churches and faith communities, members of the Catholic Business Network, as well as other organisations, about ways they too might contribute to the eradication of human trafficking.
8. I will also ask my priests to preach and faithful to pray, do penance, educate themselves and their peers, and lobby and vote for justice in this domain.
9. I also undertake to cooperate with our civic leaders to assist in every way we can to address this major social justice issue.

Regarding contemporary slavery, Pope Francis has asked if our generation is simply going to look away?⁹ There he echoed William Wilberforce who said to civic and church leaders: "You may do nothing about it, but at least now you can't say you didn't know". I have great confidence we will do far more than nothing about this great evil. I

thank honourable members for your time today and I look forward to working with you in the future.

¹ *United Nations Sustainable Development Goals*, Goal 8.

² Pope Francis, *Urbi et Orbi Message*, 25 December 2013; *Address to Participants in the International Conference on Combat Human Trafficking*, 10 April 2014.

³ *Joint Declaration of Religious Leaders Against Modern Slavery*, 2 December 2014, <http://www.news.va/en/news/declaration-of-religious-leaders-for-the-eradicati>; <http://www.endslavery.va/content/endslavery/en/events/declaration.html>

⁴ On the history of Christian opposition to slavery see: see the section on the history of the antislavery movement in my “Catholic Moral Tradition,” keynote address to the “Tradition Conference” of the University of Notre Dame Australia, Sydney, 3 July 2013.

⁵ Vatican II, *Gaudium et spes Constitution on the Church in the Modern World*, 27.

⁶ Pope Francis, *Address to Participants in the International Conference on Combat Human Trafficking*, 10 April 2014; *Address to the Delegates of the International Association of Penal Law*, 23 October 2014; *Message for World Day of Peace 2015 No Longer Slaves but Brothers and Sisters*, 1 January 2015; *Message for the International Day of Prayer and Awareness against Human Trafficking*, 8 February 2015; *Message for the Lenten Brotherhood Campaign in Brazil*, 25 February 2015; *Final Report of the XIV Ordinary General Assembly The Vocation and Mission of the Family Today*, June 2015; *Message for the Month of Ramadan*, June 2016; *Preparatory Document of the XV Ordinary General Assembly Young People, The Faith and Vocation Discernment*, January 2017.

⁷ Vatican Radio, “Cardinal Pell: Vatican will ‘slave-proof’ supply chain”, 19 January 2016, http://en.radiovaticana.va/news/2016/01/19/cardinal_pell_vatican_will_slave-proof_supply_chain/1202111.

⁸ Pope Benedict XVI, *Caritas in Veritate*, 66.

⁹ Pope Francis, *Way of the Cross*, 25 March 2016, 6th Station.