



Law Council
OF AUSTRALIA

Human Exploitation: Modern Slavery and People Trafficking

**Speech delivered by Law Council of Australia President,
Mr Tass Liveris at the 35th LAWASIA Conference, Sydney**

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Good afternoon.

I would like to begin by acknowledging the Traditional Owners of country throughout Australia and recognising their continuing connection to land, waters and community. In particular, I acknowledge the Gadigal people of the Eora Nation on whose lands we meet. I pay my respects to Elders both past and present and extend that respect to Aboriginal and Torres Strait Islander peoples here today.

I mentioned in my earlier presentation at the Opening Ceremony the many important topics being tackled and discussed throughout this Conference.

It is difficult to imagine a more urgent issue than protecting people, particularly the most vulnerable members of our communities, from exploitation.

The Law Council, with the help of the amazing volunteers who make up our expert committees, is dedicated to exposing and preventing those actions and actors that create the potential for or lead to exploitation.

Why is this something for the law profession to concern itself with? If I could begin by sharing a quote from the Law Council's recent The Lawyer Project Report:

“The defence of rights and provision of a voice to those who might otherwise not be heard is another critical part of the legal profession’s role in ensuring the administration of justice.

Lawyers also play a critical role outside of the courtroom and the justice system. They advocate for policy or law reform at a higher level, including by advancing the interests of those who are vulnerable or require assistance in participating in policy development. Lawyers frequently contribute to the development and scrutiny of policy or law reform through many actions beyond those that would be generally considered ‘lawyering’.

These include:

- contributing to parliamentary processes (for example, written submissions and appearances at parliamentary hearings);*
- contributing to public sector processes (for example, written submissions, involvement in consultations, meetings, roundtables, etc);*
- engaging in lobbying activities (for example, meeting with local or national politicians to advocate for change);*
- media campaigning activities; and*
- activism or protest.*

The Law Council, and I know many of you here, have used many of these avenues to try and bring about positive change.

For many Australians, slavery and human trafficking might seem like something that cannot and does not happen here on our shores.

Australia is after all a wealthy nation which offers a vast array of protections to members of the community.

Yet, just a few weeks ago, a local TV current affairs program, 60 Minutes, along with the Age and Sydney Morning Herald newspapers, reported that a global human trafficking syndicate had exploited apparent gaps in Australia's border protection and immigration system to bring women into this country and force them into sex work.

Illicit labour trafficking is a global criminal business has previously been estimated to be worth around \$150 billion a year. Figures produced by the International Labour Organisation [last year](#) found that 27.6 million people worldwide are currently being forced to provide their labour to businesses such as farms, sex shops, construction sites and other occupations under heavily exploited circumstances – an increase from 25 million five years earlier. Australia is not immune.

It was [estimated](#) by the Australian Institute of Criminology in 2019 that for every one victim of human trafficking and modern slavery identified in Australia, another four go undetected.

In 2019, Australia's Modern Slavery Act came into force. The Act requires Australian-based entities and those operating in Australia with more than \$100 million in revenue to report the risks of modern slavery in their operations and supply chains to the Minister for Home Affairs. Other entities can elect to report voluntarily.

The Law Council has worked consistently over several years to help shape the direction of Australia's legal and policy framework on combatting modern slavery and human trafficking, including through the provision of detailed submissions relating to: the initial development and implementation of the Act; the related Commonwealth Guidance for Reporting Entities; and the National Action Plan to Combat Modern Slavery 2020–2025.

The Law Council is committed to strengthening the Act to ensure it is effective in meaningfully addressing the risk of modern slavery in the supply chains of affected businesses, and is guided in this respect by its expert advisory Business and Human Rights Committee.

The Law Council is represented by members of its Business and Human Rights Committee on the Australian Government's Modern Slavery Expert Advisory Group and National Roundtable on Human Trafficking and Slavery, providing ongoing advice on this program of work through these forums.

The Law Council is currently preparing a submission to the three-year statutory review of the Modern Slavery Act, being undertaken by Prof. John McMillan AO, supported by the Commonwealth Attorney-General's Department.

This submission will draw together input from the Law Council's Constituent Bodies, Sections, and expert Advisory Committees.

Issues under consideration in this Review include whether an independent body, such as a Commonwealth Anti-Slavery Commissioner, should oversee the implementation and/or enforcement of the Act.

The Law Council has previously identified issues for improvement of the Modern Slavery Act, such as reducing the \$100 million revenue threshold, establishing an Anti-Slavery Commissioner, and introducing financial penalties for non-compliance.

We have also called for the development of a national compensation scheme for survivors of modern slavery.

In conjunction with Anti-Slavery Australia, we published a report in 2016 outlining the key issues in establishing such a scheme, including funding, criteria for determining eligible applicants, accessibility and support, visa considerations, and limitation periods and continue to work towards the introduction of a National Compensation Scheme.

We believe a national compensation scheme for victims of modern slavery is needed to address inconsistencies between state and territory statutory victims' compensation schemes and because the lack of a coordinated Federal approach to compensation is an impediment to trafficked people obtaining fair, effective and timely access to justice. Its absence departs from our international obligations to provide restitution for victims of trafficking, slavery and slavery-like practices.

The Law Council has also consistently called for the Australian Government to de-link the modern slavery visa and victim support frameworks from the criminal justice process. This would constitute a more a human rights-oriented approach to victims' needs.

There is still more to be done, but I know the capacity, commitment and social consciousness of our profession will not rest until every person, in every corner of the globe, is safe from exploitation in the form of modern slavery and human trafficking.

Thank you.

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