Joint letter on behalf of

Endorsed by

25th September 2026
Attorney-General's Department
Slavery.Reform@ag.gov.au

Subject: Joint Letter in Response to Attorney-General's Department Consultation: Strengthening Australia's Response to Modern Slavery in Supply Chains

1. Executive Summary & Context

The Australian Multicultural Women's Alliance (AMWA), Australian Muslim Women's Centre for Human Rights (AMWCHR), and Working with Women Alliance (WwWA) welcome the opportunity to provide joint feedback on the Attorney-General's Department (AGD) consultation on modern slavery reforms.

As peak organisations and sector leaders spanning gender equality, human rights, violence prevention, and religious literacy, our recommendations align directly with our collective advocacy under the *Second Action Plan for the National Plan to End Violence against Women and Children 2022–2032*. Guided by the commitment to achieve *equality without exception*, we urge the Government to ensure that legal, civil, and corporate accountability frameworks explicitly centre the safety, economic protection, self-determination, and human rights of migrant, refugee, and culturally and linguistically diverse (CALD) women.

Modern slavery, forced labour, human trafficking, and severe labour exploitation disproportionately impact CALD and temporary migrant women due to structural inequalities, visa dependence, language barriers, racial and faith-based discrimination, and a lack of gender-transformative redress mechanisms.

Modern slavery is both an economic crime and a serious form of gender-based violence and human rights abuse. Modern slavery and human trafficking offences are explicitly gendered in nature – disproportionately concentrated in forced marriage and sexual servitude, where 94% of victims referred to the Support for Trafficked People Program in 2024 were women, and 44% were

under 18.[1] Furthermore, temporary visa holders, asylum seekers, and refugees face severe compounding risks, aggravated by visitor visas (48% of which were automatically granted in 2018–19).[2]

Sector experts highlight that forced marriage operates within complex family, domestic, and interpersonal dynamics that require a distinct, specialised response model focused on victim-centred protection and human rights. Attempting to address forced marriage through commercial compliance and corporate due diligence frameworks misalign with its root causes and risks undermining the tailored community support systems that victim-survivors actually require.

However, whether in cases of interpersonal coercion like forced marriage or severe workplace exploitation in commercial supply chains, the primary mechanism of control enabling this abuse remains identical: structural visa vulnerability. Addressing modern slavery effectively requires recognising these distinct operational settings while implementing structural visa protections that eliminate the leverage perpetrators hold over temporary visa holders across both domestic and workplace environments.

Considering Labour's newly announced enforcement measures that expand deportation and detention for vulnerable workers with expired vias, we are deeply concerned that this government intends to renege on their commitment to end exploitation and protection of workers. These concerning announcements from Home Affairs Minister Tony Burke only add to the risk for victim survivors who fear reporting exploitation will lead to detention rather than protection, forcing vulnerable people to stay silent.

AMWA, AMWCHR, and WwWA emphasise the importance of a statutory protection for victims of modern slavery in the context of targeted deportation of undocumented migrants. Undocumented workers are especially vulnerable to workplace exploitation and are most reluctant to seek help due to fear of detection and deportation. It is not uncommon for employers to take control of workers' visa status, rendering them undocumented in order to facilitate exploitation. These new measures enforced by the Department of Home Affairs, will uncover incidents of modern slavery, highlighting Australia's weak pathways to support and civil remedy for affected people.

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[1] Australian Institute of Criminology (AIC) (2024). *Human Trafficking and Modern Slavery National Minimum Dataset (HTMS NMDS) Statistical Report*. Canberra: AIC

[2] Department of Home Affairs & Working with Women Alliance (WwWA), *Policy Brief: Modern Slavery and Human Trafficking—Migration Stream Vulnerabilities*, 2024.

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2. Key Policy Recommendations & Strategic Feedback

Recommendation 1: Enforce Gender-Responsive Corporate Due Diligence

AMWA, AMWCHR, and WwWA support the proposal that entities (including those with revenue over $1m) face criminal or civil consequences for a "failure to prevent modern slavery". We strongly support shifting Australia's modern slavery framework from voluntary reporting to enforceable corporate accountability.

As noted by the Anti-Slavery Commissioner, Australia currently maintains one of the "weakest regimes in dealing with forced labour."[3] This offence must shift responsibility away from victim-survivors having to identify and disclose harm, placing clear preventative accountability on corporations. In line with recommendations from the Evaluation of the National Action Plan 2020–25, we also support civil penalties for non-compliance with existing obligations under the Modern Slavery Act.

Modern slavery in domestic work, agriculture, care sectors, cleaning, healthcare, social assistance, hospitality, and manufacturing disproportionately affects migrant and temporary visa-holding women. Corporate due diligence must mandate explicit gender-impact and human rights assessments across supply chains and subcontractor networks. These assessments must:

- Be attentive to migration and visa status, language proficiency, and religious background.
- Require reporting that demonstrates how entities actively protect temporary visa holders from debt bondage, passport confiscation, coercive workplace practices, and gender-based violence.
- Be developed in direct consultation with victim-survivors, workers, specialist services, unions, and community organizations to ensure guidance reflects real-world gendered and visa-related risks.

Recommendation 2: Reject Unconditional Deferred Prosecution Agreements (DPAs) and Mandate Corporate Safeguards

While the Attorney-General's Department is considering Deferred Prosecution Agreements (DPAs) alongside reforms to enforce a "failure to prevent modern slavery" offence for corporations with annual revenues over $100 million, AMWA, AMWCHR, and WwWA express deep concern regarding applying a DPA scheme to serious human rights abuses. Modern slavery causes direct, severe harm to victim-survivors, and DPAs must not allow corporate cooperation

[3] Attorney-General's Department (2024). *Strengthening Australia's Response to Modern Slavery in Supply Chains: Consultation Paper*, Commonwealth of Australia, Part B: Alternative Enforcement Mechanisms (Deferred Prosecution Agreements).

or administrative efficiency to displace public accountability or enable corporations to negotiate away criminal responsibility. A DPA scheme should only be available where it is in the public interest and demonstrably advances accountability, redress, and prevention beyond what could reasonably be achieved through prosecution.

If the Australian Government proceeds with a DPA scheme, strong legislative safeguards must be mandated within the framework. The DPA scheme must strictly require:

- **Judicial Oversight:** Mandatory judicial or equivalent independent approval based on whether the agreement is in the interests of justice and its terms are fair and proportionate.
- **Survivor Consultation & Legal Representation:** Mandatory consultation with victim-survivors before an agreement is approved, supported by independent legal advice and specialist casework.
- **Mandatory Restitution:** Mandatory compensation and direct forms of remediation for identified victim-survivors.
- **Survivor Protections:** Non-disclosure or confidentiality requirements that do not restrict victim-survivors from speaking about their experiences unless specifically requested by the victim-survivor.
- **Public Transparency & Review:** Full public disclosure of the DPA and its outcomes, accompanied by independent public reporting on corporate self-reporting, compliance, and prosecutions arising from breaches.

Recommendation 3: Establish Accessible Civil Remedies, Non-Prejudicial Financial Redress, and Culturally Responsive Systems Navigation

We strongly support amending the Modern Slavery Act 2018 to introduce statutory civil remedy mechanisms. This includes a direct statutory cause of action enabling victim-survivors to bring civil claims against principal contractors, corporations, and labour-hire intermediaries for compensation and unpaid wages without requiring a prior criminal prosecution or conviction.

To ensure these pathways are genuinely accessible for migrant and temporary visa-holding women:

- **Delink Financial Redress from Criminal Outcomes:** Financial redress must be delinked from criminal convictions or DPA negotiations. Migrant and temporary visa-holding women are often deeply hesitant to engage with law enforcement due to entrenched distrust of authority, language barriers, fear of police misidentification, systemic discrimination, and institutional trauma. Delinking ensures victim-survivors receive immediate, non-prejudicial relief regardless of criminal outcomes.
- **Embed Culturally Responsive Systems Navigation:** Existing civil remedies are fragmented and difficult to access without wraparound support. The framework must fund community-

led systems navigation programs that educate migrant and temporary visa holders on their labour rights, legal remedies, and safe avenues for redress.

Recommendation 4: Evaluation of Alternative Referral Pathways (ARP) & Comprehensive Support Protections

The July 2024 Alternative Referral Pathways (ARP) Pilot, which allowed individuals to be referred to the Support for Trafficked People Program (STPP) via the Salvation Army without first reporting to law enforcement, successfully increased disclosures and cooperation. However, referral to short-term support is not the same as access to justice. The ARP operates predominantly as a crisis support program limited to 90 days before law enforcement engagement is required, leaving survivors without continued support to access compensation or civil remedies, while children under 16 remain excluded unless accompanied by a guardian.

To ensure support functions as a true precondition for redress, the modern slavery framework must establish:

- **Legally Binding Firewalls:** Strict statutory protections preventing courts, the Anti-Slavery Commissioner, the Fair Work Ombudsman, and law enforcement from sharing victim details or disclosures with the Department of Home Affairs for immigration enforcement.
- **Dedicated Survivor Visas:** Strengthened visa protections allowing victim-survivors to remain in Australia while pursuing redress, including immediate access to a dedicated Temporary Migrant Worker or Survivor Visa providing full work rights, access to Medicare, and essential social safety nets.
- **Structural Gaps in Information Sharing:** While the Alternative Referral Pathways (ARP) Pilot intended to create an accessible, non-criminal entry point for support, its underlying information-sharing structure fails to function as a genuinely independent or additional pathway. It does not break the ultimate nexus with law enforcement or guarantee protection against visa consequences. Therefore, it fails to provide the safe, uncompromised reporting route that victim-survivors require in practice

Recommendation 5: Resourcing Culturally Safe, Trauma-Informed, and Specialist Human Rights Infrastructure

Proposed corporate reforms must be matched with adequate regulatory powers, risk-based proactive compliance monitoring, information-gathering powers, and accessible intelligence-gathering mechanisms for workers, unions, and community organizations.

To move beyond standard corporate reporting, future iterations of the framework must guarantee:

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- **Expanded Systems Navigation & Education:** Mandating and funding multilingual, accessible reporting pathways, translated legal guidance, and community rights education.
- **Direct Funding for Specialist Organizations:** Direct funding allocations for specialist CALD women and human rights organisations that deliver frontline, trauma-informed casework, systems navigation, legal advocacy, and wrap-around recovery support.

3. Conclusion & Call to Action

Modern slavery reform in Australia will only succeed if it prioritizes the intersectional realities of women who face systemic barriers and heightened risks of exploitation. AMWA, AMWCHR, and WwWA urge the Attorney-General's Department to embed gender-responsive due diligence, safe reporting firewalls, delinked civil remedies, and sustainable funding for specialist CALD navigation and human rights support services into the statutory framework.

We look forward to further engagement with the Attorney-General's Department and collaborating with broader sector partners to ensure these reforms deliver tangible safety, economic security, and justice without exception.

Sincerely,

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This letter is also endorsed by:

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