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PARLIAMENTARY DEBATES



THE SENATE

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BILLS

**Customs Amendment (Banning Goods
Produced By Forced Labour) Bill 2021**

Second Reading

SPEECH

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BY AUTHORITY OF THE SENATE

SPEECH

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Questioner
Speaker Patrick, Sen Rex

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Senator PATRICK (South Australia) (10:02): I rise to speak on this very important bill, the Customs Amendment (Banning Goods Produced By Forced Labour) Bill 2021. The purpose of this bill is to ban absolutely the importation of goods that are produced in whole or in part by forced labour—that is, slavery.

Estimates of the number of slaves across the world range from some 38 million to 46 million people. The use of forced labour within global production chains has emerged as a major humanitarian concern. The issue of modern slavery has also been highlighted by the well-documented human rights abuses perpetrated by the Chinese government against hundreds of thousands of Uighur people in Xinjiang in western China. The massive and systematic oppression of the Uighur people by the Chinese communist regime is undeniable, including the exploitation of detained Uighurs as a captive labour force. Uighur forced labour plays a key role in Xinjiang's massive cotton production and extends across an array of Chinese industries, including the supply chains of global brands.

In 2020 the Australian Strategic Policy Institute estimated at least 80,000 Uighur detainees had been shipped out of Xinjiang and assigned to factories in a range of supply chains—including electronics, textiles and automotive—under a central government policy known as 'Xinjiang aid'. ASPI identified 27 factories in nine Chinese provinces that are using Uighur labour transferred from Xinjiang since 2017. Some 83 foreign and Chinese companies, allegedly, were directly or indirectly benefiting from the exploitation of Uighur workers outside Xinjiang through abusive labour programs. Some of the international brands allegedly involved are very well known, including Apple, Esprit, Fila, Abercrombie & Fitch, Adidas, Amazon, BMW, The Gap, H&M, Marks & Spencer, Nike, North Face, Puma and Samsung.

International action against modern slavery is building. Not only have a growing number of countries enacted laws against modern slavery; there's also increased action to deal with the products of forced labour in China. In January this year, the US government implemented an executive order banning the importation of cotton and other products from Xinjiang. In July, the US Senate passed a bill to ban the import of all products from Xinjiang.

The need for Australia to address this pressing problem caused me to introduce the Customs Amendment (Banning Goods Produced By Uyghur Forced Labour) Bill 2020 on 8 December last year. The purpose of the bill was to amend the Customs Act 1901 to ban the importation of goods produced or manufactured in Xinjiang or else manufactured in China through the use of forced labour. That bill was referred to the Senate Foreign Affairs, Defence and Trade Legislation Committee, chaired by Senator Abetz, with Senator Kitching as deputy chair. I'd like to take this opportunity to thank Senator Abetz, Senator Kitching and other members of the committee for their work on that important inquiry. I also wish to thank the many people and organisations that made submissions and gave evidence, especially members of the Australian Uighur community, who faced harassment from Chinese government officials here in Australia and grave threats to family members, relatives and friends in Xinjiang.

The committee reported to the Senate on 17 June this year. The committee endorsed, without reservation, the objectives of my bill and went on to observe:

The state-sponsored forced labour to which the Uyghur people are being subjected by the Chinese dictatorship is a grave human rights violation. It is incumbent on the government to take steps to ensure that Australian businesses and consumers are not in any way complicit in these egregious abuses.

The committee took the view that it would be preferable to introduce a global ban on the import to Australia of goods produced by forced labour. However, within the context of a global ban, the committee further highlighted the need for specific action to be taken in relation to Xinjiang's cotton trade.

I have expressed my support for the committee's primary recommendation of a local ban and for other recommendations relating to government-to-government policy, administrative and enforcement matters. My

concern has always been that action be taken quickly to ensure that Australia's condemnation of the Chinese government's shameful persecution and exploitation of Uighur people is made absolutely clear. The committee's report is an important step forward, and legislative implementation must not be delayed. There must be an immediate response from the Australian parliament, not the usual protracted process of government review that may lead to legislative and administrative action in two or three years. That is not acceptable.

Accordingly, rather than amend the original bill, this new bill seeks to implement the committee's primary recommendation without delay. The ban that this bill would implement is global in nature and does not specify any geographical origin for its application. The importation into Australia of any goods found to have been produced by forced labour, as already defined by the Criminal Code, will be subject to the penalties that apply to the importation of other imports prohibited by regulation under the Customs Act—for example, asbestos.

The bill is, I acknowledge, something of a blunt instrument, but that's what's needed to thwart modern slavery, especially China's resorting to the massive use of forced labour. If Australia is to be true to the democratic values we hold, we need to leave the Chinese government in no doubt that its conduct is unconscionable and unacceptable. And this action cannot be further delayed. It must happen within the life of this parliament—indeed, within this calendar year. We need to send a very clear political signal to Beijing and to the numerous international brands that have been happy to turn a blind eye to China's massive exploitation of forced labour. We need to send that signal right now, before the Beijing Winter Olympics next February, just six months away, when the Chinese Communist Party intend to bask in a massive international propaganda event.

Passage by this bill will be a step forward in the international campaign against modern slavery and the brutal oppression of the Uighur people in particular. It will send a very clear signal that the CCP's human rights abuses will be called out. I understand that the Labor opposition, the Greens and members of the crossbench are prepared to support this bill. I strongly urge government senators who have been vocal about this issue to do likewise, otherwise their many strong words will be shown to be quite hollow. Passage of this bill through the Senate will hopefully force the hand of the government, which so far has been sluggish and, indeed, most reluctant to move on the issue. It would be a grave failure on the part of the Australian parliament as a whole if we did not call out and take action to limit the massive abuses of human rights by the Chinese communist regime. This bill is part of a growing international campaign against modern slavery and those who profit from such human rights abuses. It seeks to send a very strong message. It seeks to contribute to the worldwide effort to stop this abhorrent trade.