



New South Wales

# Modern Slavery Bill 2018

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are as follows:

- (a) to combat modern slavery,
- (b) to provide assistance and support for victims of modern slavery,
- (c) to provide for an Anti-slavery Commissioner (the *Commissioner*),
- (d) to provide for detection and exposure of modern slavery that may have occurred or be occurring or that is likely to occur,
- (e) to raise community awareness of, and provide for education and training about, modern slavery,
- (f) to encourage collaborative action to combat modern slavery,
- (g) to provide for the assessment of the effectiveness and appropriateness of laws prohibiting modern slavery and to improve the implementation and enforcement of such laws,
- (h) to provide for mandatory reporting of risks of modern slavery occurring in the supply chains of certain corporate bodies,
- (i) to make forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales,
- (j) to further penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for the purpose of child abuse material.

## Outline of provisions

### Part 1 Preliminary

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

**Clause 3** states the objects of the proposed Act.

**Clause 4** provides for the extraterritorial application of the proposed Act.

**Clause 5** defines certain words and expressions used in the proposed Act. *Modern slavery* is defined to include any conduct constituting a modern slavery offence or involving the use of any form of slavery, servitude or forced labour to exploit children or other persons taking place in the supply chains of government and non-government agencies. *Modern slavery offences* for the purposes of the proposed Act are those set out in Schedule 2 to the proposed Act. The offences include new offences contained in amendments to the *Crimes Act 1900* set out in Schedule 4 to the proposed Act.

### Part 2 Anti-slavery Commissioner

#### Division 1 Appointment of Commissioner

**Clause 6** provides for the Governor to appoint an Anti-slavery Commissioner.

**Clause 7** ensures the independence of the Commissioner.

**Clause 8** provides for staff and facilities necessary to enable the Commissioner to exercise the Commissioner's functions.

#### Division 2 Functions of Commissioner

**Clause 9** sets out the functions of the Commissioner. It makes it clear that the Commissioner's functions may generally be exercised with respect to any government or non-government agency, person, matter or thing (whether or not they are in or of, or for, the State).

**Clause 10** makes it clear that the Commissioner's role does not include investigating or dealing directly with individual cases.

**Clause 11** requires the Commissioner to prepare strategic plans addressing the Commissioner's key objectives and priorities in the periods to which they relate and setting out how the Commissioner proposes to exercise the Commissioner's functions in the period concerned.

**Clause 12** describes the Commissioner's public awareness and advice functions.

**Clause 13** provides for the exchange of information relating to modern slavery or suspected instances of modern slavery between the Commissioner and other persons and agencies, bodies and organisations.

**Clause 14** imposes a duty on agencies in or of New South Wales that provide or deal with services or issues affecting victims of modern slavery and the Commissioner to work co-operatively in exercising their functions.

**Clause 15** enables the Commissioner to work co-operatively with, and disseminate information to, such other agencies, persons, bodies and organisations as the Commissioner thinks appropriate.

**Clause 16** protects persons providing information to the Commissioner in accordance with the proposed Act and in good faith from criminal or civil liability.

**Clause 17** provides for the exercise by the Commissioner of powers that are necessary to be done in connection with, or reasonably incidental to, the exercise of specific powers conferred on the Commissioner by the proposed Act.

**Clause 18** provides for the delegation of the Commissioner's powers.

### **Division 3      Reports by Commissioner**

**Clause 19** requires the Commissioner to prepare an annual report and furnish it to the Presiding Officer of each House of Parliament. The report is required, in particular, to include a review of action taken by the NSW government about specified matters, action taken by the Department of Family and Community Services to develop a system of support for victims of under age marriage and action taken by the Department of Education to require instruction about preventing forced marriage as part of high school syllabuses.

**Clause 20** provides for the tabling of the Commissioner's annual report in the Houses of Parliament.

**Clause 21** enables information obtained by the Commissioner to be included in a report to the Secretary of the Department of Family and Community Services under section 24 of the *Children and Young Persons (Care and Protection) Act 1998*.

### **Part 3      Supply chains**

**Clause 22** requires certain organisations to prepare a modern slavery statement in each financial year. The statement is to contain such information as may be required by or under the regulations for or with respect to steps taken by the organisation during the financial year to ensure its goods and services are not a product of supply chains in which modern slavery is taking place.

**Clause 23** requires the Commissioner to keep a publicly available register in electronic form that identifies organisations in which goods and services are, or may be, products of supply chains in which modern slavery is taking place.

**Clause 24** enables the Commissioner to develop, and make publicly available, codes of practice that can be used to remediate or monitor identified risks of modern slavery.

**Clause 25** enables the Commissioner to promote public awareness of, and give advice on steps to be taken to remediate or monitor risks of, modern slavery in supply chains.

### **Part 4      Court orders**

**Clause 26** enables a court that convicts a person of certain modern slavery offences to make orders prohibiting the person from engaging in conduct described in the order if it is satisfied as to certain matters. A person who is the subject of such a modern slavery risk order is guilty of an offence if the person contravenes the order without reasonable excuse.

### **Part 5      Miscellaneous**

**Clause 27** provides that the proposed Act binds the Crown.

**Clause 28** provides for expenditure incurred in the administration or execution of the proposed Act.

**Clause 29** describes the nature of proceedings for offences under the proposed Act.

**Clause 30** enables the Governor to make regulations for the purposes of the proposed Act.

### **Schedule 1      Provisions relating to Commissioner**

**Schedule 1** contains provisions relating to the office of Commissioner.

### **Schedule 2      Offences**

**Schedule 2** specifies the offences that are modern slavery offences for the purpose of the proposed Act.

### **Schedule 3 Savings, transitional and other provisions**

**Schedule 3** contains savings, transitional and other provisions consequent on the enactment of the proposed Act or Acts amending it.

### **Schedule 4 Amendment of Crimes Act 1900 No 40**

**Schedule 4** amends the *Crimes Act 1900*. The amendments include provisions:

- (a) to amend section 91G of that Act to provide for an aggravated offence relating to use of a child for production of child abuse material that includes among other matters that the victim is under 10 years of age or the offence has taken place in company (proposed section 91G (3), (3A) and (3C)—**Schedule 4 [2]**), and
- (b) to amend section 91G of that Act to include an evidentiary provision to make it easier to prosecute offences under the section (proposed section 91G (3B)—**Schedule 4 [2]**), and
- (c) to create offences relating to administration of digital platforms used to deal with child abuse material and providing information to persons about avoiding detection for such an offence (proposed sections 91HAA–91HAC—**Schedule 4 [3]**), and
- (d) to create slavery and slavery-like offences and an offence of forced marriage of a child (**Schedule 4 [7]**).

### **Schedule 5 Amendment of other Acts and regulations**

**Schedule 5** amends the Acts and regulations specified in the Schedule. The amendments include amendments:

- (a) to require NSW government agencies to include statements in annual reports about action taken with respect to certain matters concerning modern slavery and procurement of goods and services that are a product of modern slavery (**Schedule 5.1 and 5.2**), and
- (b) to enable apprehended violence orders to be issued in relation to children being forced into marriage (**Schedule 5.3**), and
- (c) to enable assets forfeiture orders and other orders to be made under the *Criminal Assets Recovery Act 1990* where assets are gained through offences committed under proposed section 93AB (Slavery, servitude and child forced labour) of the *Crimes Act 1900* as inserted by Schedule 4 (**Schedule 5.4**), and
- (d) to provide for education about prevention of modern slavery to be included in curriculum for secondary education (**Schedule 5.5**), and
- (e) to ensure that goods and services procured by and for government agencies are not the product of modern slavery (**Schedule 5.6**), and
- (f) to enable primary victims of modern slavery to receive support under the *Victims Rights and Support Act 2013* (**Schedule 5.7**).



New South Wales

# Modern Slavery Bill 2018

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New South Wales

# Modern Slavery Bill 2018

No. , 2018

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## **A Bill for**

An Act to make provision with respect to slavery, slavery-like practices and human trafficking and to provide for the appointment and functions of an Anti-slavery Commissioner; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>Part 1 Preliminary</b>	2
<b>1 Name of Act</b>	3
This Act is the <i>Modern Slavery Act 2018</i> .	4
<b>2 Commencement</b>	5
This Act commences on a day or days to be appointed by proclamation.	6
<b>3 Objects of Act</b>	7
The objects of this Act are as follows:	8
(a) to combat modern slavery,	9
(b) to provide assistance and support for victims of modern slavery,	10
(c) to provide for an Anti-slavery Commissioner,	11
(d) to provide for detection and exposure of modern slavery that may have occurred or be occurring or that is likely to occur,	12 13
(e) to raise community awareness of, and provide for education and training about, modern slavery,	14 15
(f) to encourage collaborative action to combat modern slavery,	16
(g) to provide for the assessment of the effectiveness and appropriateness of laws prohibiting modern slavery and to improve the implementation and enforcement of such laws,	17 18 19
(h) to provide for mandatory reporting of risks of modern slavery occurring in the supply chains of certain corporate bodies,	20 21
(i) to make forced marriage of a child and certain slavery and slavery-like conduct offences in New South Wales,	22 23
(j) to further penalise involvement in cybersex trafficking by making it an offence to administer a digital platform for the purpose of child abuse material.	24 25
<b>4 Extraterritorial application</b>	26
(1) It is the intention of the Parliament that this Act apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.	27 28
(2) Without limiting subsection (1), it is the intention of the Parliament that the operation of this Act is, as far as possible, to include operation in relation to the following:	29 30
(a) things situated in or outside the territorial limits of this State,	31
(b) acts, transactions and matters done, entered into or occurring in or outside the territorial limits of this State,	32 33
(c) things, acts, transactions and matters (wherever situated, done, entered into or occurring) that would, apart from this Act, be governed or otherwise affected by the law of another jurisdiction.	34 35 36
<b>5 Definitions</b>	37
(1) In this Act:	38
<b>Commissioner</b> means the Anti-slavery Commissioner appointed under Part 2.	39
<b>Commonwealth Criminal Code</b> means the <i>Criminal Code</i> set out in the Schedule to the <i>Criminal Code Act 1995</i> of the Commonwealth.	40 41



<b>forced labour</b> has the meaning it has in section 270.6 of the Commonwealth Criminal Code.	1 2
<b>function</b> includes a power, authority or duty, and <b>exercise</b> a function includes perform a duty.	3 4
<b>government agency</b> means any of the following:	5
(a) a government sector agency (within the meaning of the <i>Government Sector Employment Act 2013</i> ),	6 7
(b) a NSW Government agency,	8
(c) a State owned corporation,	9
(d) a council, county council or joint organisation within the meaning of the <i>Local Government Act 1993</i> ,	10 11
(e) any other public or local authority that is constituted by or under an Act or that exercises public functions,	12 13
(f) any public or local authority that is constituted by an Act of another jurisdiction that exercises public functions.	14 15
<b>modern slavery</b> includes the following:	16
(a) any conduct constituting a modern slavery offence,	17
(b) any conduct involving the use of any form of slavery, servitude or forced labour to exploit children or other persons taking place in the supply chains of government agencies or non-government agencies.	18 19 20
<b>modern slavery offence</b> means the following:	21
(a) an offence listed in Schedule 2,	22
(b) an offence of attempting, or of incitement, to commit an offence listed in Schedule 2,	23 24
(c) an offence committed elsewhere than in New South Wales that, if committed in New South Wales, would be a modern slavery offence.	25 26
<b>modern slavery risk order</b> means an order made under Part 4.	27
<b>non-government agency</b> includes any commercial or non-commercial body or organisation of this or any other jurisdiction.	28 29
<b>Presiding Officer</b> means the President of the Legislative Council or the Speaker of the Legislative Assembly. However:	30 31
(a) if there is a vacancy in the office of President, the reference to the President is a reference to the Clerk of the Legislative Council, or	32 33
(b) if there is a vacancy in the office of Speaker, the reference to the Speaker is a reference to the Clerk of the Legislative Assembly.	34 35
<b>servitude</b> has the meaning it has in section 270.4 of the Commonwealth Criminal Code.	36 37
<b>slavery</b> has the meaning it has in section 270.1 of the Commonwealth Criminal Code.	38
<b>strategic plan</b> —see section 11.	39
<b>Note.</b> The <i>Interpretation Act 1987</i> contains definitions and other provisions that affect the interpretation and application of this Act.	40 41
(2) Notes included in this Act do not form part of this Act.	42

<b>Part 2</b>	<b>Anti-slavery Commissioner</b>	1
<b>Division 1</b>	<b>Appointment of Commissioner</b>	2
<b>6</b>	<b>Appointment of Commissioner</b>	3
(1)	The Governor may appoint an Anti-slavery Commissioner.	4
(2)	Schedule 1 contains ancillary provisions relating to the Commissioner.	5
<b>7</b>	<b>Independence of Commissioner</b>	6
	Subject to this and any other Act, the Commissioner is not subject to the control and direction of the Premier or any other Minister in respect of the exercise of the Commissioner's functions under this Act.	7 8 9
<b>8</b>	<b>Staff of Commissioner</b>	10
(1)	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Commissioner to exercise the Commissioner's functions.	11 12 13
(2)	The Commissioner may arrange for the use of the services of any staff or facilities of a government agency and may, with the approval of the Premier, engage such consultants or contractors as are necessary for the purposes of this Act.	14 15 16
<b>Division 2</b>	<b>Functions of Commissioner</b>	17
<b>9</b>	<b>General functions of Commissioner</b>	18
(1)	The functions of the Commissioner are as follows:	19
(a)	to advocate for, and promote, action to combat modern slavery and to identify and provide assistance and support for victims of modern slavery,	20 21
(b)	to make recommendations and provide information, advice, education and training about action to prevent, detect, investigate and prosecute offences involving modern slavery,	22 23 24
(c)	to co-operate with or work jointly with government and non-government agencies and other bodies and persons to combat modern slavery and provide assistance and support to victims of modern slavery,	25 26 27
(d)	to monitor reporting concerning risks of modern slavery occurring in supply chains of corporate and other bodies,	28 29
(e)	to monitor the effectiveness of legislation and governmental policies and action in combating modern slavery,	30 31
(f)	to raise community awareness of modern slavery,	32
(g)	to exercise such other functions as are conferred or imposed on the Commissioner by or under this or any other Act.	33 34
(2)	In exercising the Commissioner's functions, the Commissioner must encourage good practice in:	35 36
(a)	the prevention, detection, investigation and prosecution of modern slavery, and	37 38
(b)	the identification of victims of modern slavery.	39
(3)	Unless the contrary intention appears, the Commissioner's functions may be exercised with respect to any government or non-government agency, person, matter or thing (whether or not they are in or of, or for, the State), so long as the function is exercised in relation to a matter to which this section relates.	40 41 42 43

<b>10</b>	<b>Restriction on exercise of functions</b>	1
(1)	The Commissioner does not have the function of investigating or dealing directly with the complaints or concerns of individual cases but may take them into account and draw conclusions about them solely for the purpose of, or in the context of, considering a general issue.	2 3 4 5
(2)	The Commissioner may, despite subsection (1), provide individuals and their families, friends and advocates with information about and referral to government and non-government programs and services.	6 7 8
<b>11</b>	<b>Strategic plan</b>	9
(1)	In this section: <i>strategic plan</i> means a plan setting out how the Commissioner proposes to exercise the Commissioner's functions in the period to which the plan relates.	10 11 12
(2)	The Commissioner must, as soon as reasonably practicable after the Commissioner's appointment, prepare a strategic plan.	13 14
(3)	The strategic plan is to be prepared in consultation with the Premier.	15
(4)	A strategic plan must:	16
(a)	state the period (not being less than one year or more than 3 years) to which it relates, and	17 18
(b)	outline the Commissioner's key objectives and priorities for that period.	19
(5)	In particular, and without limiting subsection (4) (b), the plan must address the following:	20 21
(a)	a strategy to combat human trafficking in accordance with the <i>National Action Plan to Combat Human Trafficking and Slavery 2015–19</i> launched by the Minister for Justice of the Commonwealth in 2014,	22 23 24
(b)	strategies for raising public awareness about modern slavery and providing education and training about combating modern slavery.	25 26
(6)	A new strategic plan may be made in accordance with this section to replace an earlier strategic plan.	27 28
(7)	The Commissioner is to cause a copy of the strategic plan (and any replacement strategic plan) to be published on a publicly accessible website.	29 30
<b>12</b>	<b>Commissioner's public awareness and advice functions generally</b>	31
	The Commissioner is:	32
(a)	to promote public awareness of modern slavery and its effects on its victims, and	33 34
(b)	to provide advice, education and training on ways to prevent modern slavery taking place and assist the victims of modern slavery, and	35 36
(c)	to encourage reporting of instances of suspected modern slavery to appropriate authorities (including without limitation reporting by sex workers and bodies or organisations representing sex workers), and	37 38 39
(d)	to establish and maintain a hotline (or utilise a hotline maintained by a government or non-government agency or other body or organisation) for provision of advice and assistance to children and other persons who are, or may be, victims of modern slavery.	40 41 42 43

<b>13 Referral of matters to police and other agencies in the State and elsewhere</b>	1
(1) This section applies to any information obtained by the Commissioner in the course of exercising the Commissioner's functions, being reports or other information relating to modern slavery or suspected instances of modern slavery.	2 3 4
(2) The Commissioner may refer any such information to the Commissioner of Police, the Ombudsman, the Secretary of the Department of Family and Community Services or any other investigative or government agency (whether or not they are in or of the State) that the Commissioner considers appropriate.	5 6 7 8
(3) In exercising the Commissioner's functions, the Commissioner may work in co-operation with educational institutions, bodies and organisations representing the interests of any industry and such other persons, bodies and organisations as the Commissioner thinks appropriate.	9 10 11 12
(4) Information may be referred in accordance with this section despite the <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Health Records and Information Privacy Act 2002</i> but only to the extent that it is relevant to the exercise of a function of the Commissioner under this section.	13 14 15 16
<b>14 Co-operation between the Commissioner and New South Wales agencies</b>	17
(1) The Commissioner and government or non-government agencies in or of the State that provide or deal with services or issues affecting victims of modern slavery must work in co-operation in the exercise of their respective functions.	18 19 20
(2) The duty to co-operate includes, subject to any duty of confidentiality imposed by law, the following duties:	21 22
(a) the duty to disclose information that is likely to be of assistance to the Commissioner or an agency in the exercise of functions imposed on the Commissioner or agency with respect to modern slavery and victims of modern slavery,	23 24 25 26
(b) the duty to provide reasonable assistance and support to the Commissioner or an agency in connection with the exercise by the Commissioner or an agency of functions with respect to modern slavery and victims of modern slavery.	27 28 29
(3) Arrangements may be made by the Premier with the Minister to whom a government agency is responsible to secure such co-operation, including in connection with the provision by the agency of information (or access to documents) required by the Commissioner in relation to services or issues affecting the victims.	30 31 32 33
(4) A reference in this section to the provision of access to documents includes a reference to the provision of copies of documents.	34 35
(5) Information must be provided in accordance with this section despite the <i>Privacy and Personal Information Protection Act 1998</i> and the <i>Health Records and Information Privacy Act 2002</i> but only to the extent that it is relevant to the exercise of a function of the Commissioner under this section.	36 37 38 39
<b>15 Co-operation with other agencies, persons, bodies and organisations</b>	40
(1) In exercising the Commissioner's functions, the Commissioner may work in co-operation with government and non-government agencies, and such other persons, bodies and organisations as the Commissioner thinks appropriate.	41 42 43
(2) The Commissioner may consult with, and disseminate information to, government and non-government agencies and such other persons, bodies and organisations as the Commissioner thinks appropriate.	44 45 46

<b>16 Breach of duty of confidentiality excluded</b>	1
A person does not incur any criminal or civil liability (including liability for breaching any duty of confidentiality) for providing any information to the Commissioner if the information is provided in accordance with this Act and in good faith.	2 3 4 5
<b>17 Incidental powers</b>	6
The Commissioner has power to do all things necessary to be done for or in connection with, or reasonably incidental to, the exercise of the Commissioner's functions. Any specific powers conferred on the Commissioner by this Act are not taken to limit by implication the generality of this section.	7 8 9 10
<b>18 Delegation</b>	11
The Commissioner may delegate any of the Commissioner's functions (other than this power of delegation) to a member of the staff of the Commissioner or to a person of a class prescribed by the regulations.	12 13 14
<b>Division 3 Reports by Commissioner</b>	15
<b>19 Annual and other reports to Parliament</b>	16
(1) The Commissioner is required to prepare, within the period of 4 months after 30 June in each year, a report of the Commissioner's operations during the year ended on that 30 June and furnish the report to the Presiding Officer of each House of Parliament.	17 18 19
(2) A report by the Commissioner under this section must include the following:	20
(a) a description of the Commissioner's activities during that year in relation to each of the Commissioner's functions,	21 22
(b) a review of progress on implementation of the strategic plan relevant to the period to which the report relates,	23 24
(c) an evaluation of the response of relevant government agencies to the recommendations of the Commissioner,	25 26
(d) any recommendations for changes in the laws of the State, or for administrative action, that the Commissioner considers should be made as a result of the exercise of the Commissioner's functions.	27 28 29
(3) In particular, and without limiting subsection (2) (c), the report is to include a review of the following:	30 31
(a) the extent to which the government of NSW has provided mandatory training on modern slavery to front-line government agencies, workers in non-government agencies and the public generally during the year,	32 33 34
(b) the extent to which the government of NSW has implemented changes in the information and communications technology use policies applicable to government agencies to prohibit the viewing of child abuse material and provided clear guidelines for responding to failures to comply with those policies during the year,	35 36 37 38 39
(c) action by the Department of Family and Community Services during the year to develop a system of support (including provision of accommodation) for victims of forced under-age marriage, irrespective of whether any offence against the victim has been prosecuted,	40 41 42 43
(d) action by the Department of Education during the year to require instruction about preventing forced marriage as part of high school syllabuses.	44 45

(4)	The Commissioner may, at any time, make a report on any particular issue or general matter relating to the Commissioner's functions and furnish the report to the Presiding Officer of each House of Parliament.	1 2 3
(5)	The Commissioner is to make a special report to the Minister on any particular issue or general matter requested by the Minister. The special report may be furnished by the Commissioner to the Presiding Officer of each House of Parliament.	4 5 6
<b>20</b>	<b>Provisions relating to reports to Parliament</b>	7
(1)	A copy of a report furnished to the Presiding Officer of a House of Parliament under this Part is to be laid before that House within 15 sitting days of that House after it is received by the Presiding Officer.	8 9 10
(2)	The Commissioner may include in a report a recommendation that the report be made public immediately.	11 12
(3)	If a report includes a recommendation by the Commissioner that the report be made public immediately, a Presiding Officer of a House of Parliament may make it public whether or not that House is in session and whether or not the report has been laid before that House.	13 14 15 16
(4)	If such a report is made public by a Presiding Officer of a House of Parliament before it is laid before that House, it attracts the same privileges and immunities as if it had been laid before that House.	17 18 19
(5)	A Presiding Officer need not inquire whether all or any conditions precedent have been satisfied as regards a report purporting to have been made and furnished in accordance with this Act.	20 21 22
<b>21</b>	<b>Reports under Children and Young Persons (Care and Protection) Act 1998</b>	23
	Any information obtained by the Commissioner in the course of exercising the Commissioner's functions may be used for the purposes of making a report to the Secretary of the Department of Family and Community Services under section 24 (Report concerning child or young person at risk of significant harm) of the <i>Children and Young Persons (Care and Protection) Act 1998</i> .	24 25 26 27 28

<b>Part 3</b>	<b>Supply chains</b>	1
<b>22</b>	<b>Transparency of supply chain</b>	2
(1)	In this section:	3
	<i>commercial organisation</i> means an organisation (other than a government agency of the State) having employees in the State that:	4
		5
	(a) supplies goods and services for profit or gain, and	6
	(b) has a total turnover in a financial year of the organisation of not less than \$50 million or such other amount as may be prescribed by the regulations.	7
		8
	<i>organisation</i> means the following:	9
	(a) any corporation (within the meaning of section 57A of the <i>Corporations Act 2001</i> of the Commonwealth) or incorporated partnership,	10
		11
	(b) an association (including a partnership) other than one referred to in paragraph (a), or other body of persons.	12
		13
(2)	A commercial organisation must prepare a modern slavery statement complying with subsection (3) for each financial year of the organisation.	14
	Maximum penalty: 10,000 penalty units.	15
		16
(3)	The statement is to be prepared in accordance with the regulations within such period after the end of the financial year as is provided for by the regulations.	17
		18
(4)	The statement is to contain such information as may be required by or under the regulations for or with respect to steps taken by the commercial organisation during the financial year to ensure that its goods and services are not a product of supply chains in which modern slavery is taking place.	19
		20
		21
		22
(5)	Without limiting subsection (4), the regulations may require a modern slavery statement to include information about the following:	23
		24
	(a) the organisation's structure, its business and its supply chains,	25
	(b) its due diligence processes in relation to modern slavery in its business and supply chains,	26
		27
	(c) the parts of its business and supply chains where there is a risk of modern slavery taking place, and the steps it has taken to assess and manage that risk,	28
		29
	(d) the training about modern slavery available to its employees.	30
(6)	The commercial organisation must make its modern slavery statement public in accordance with the regulations.	31
	Maximum penalty: 10,000 penalty units.	32
		33
(7)	A person must not provide information in connection with a matter under this section that the person knows, or ought reasonably to know, is false or misleading in a material particular.	34
	Maximum penalty: 10,000 penalty units.	35
		36
		37
	<b>Note.</b> The <i>Crimes Act 1900</i> contains other offences relating to false and misleading information: sections 307B and 307C (False or misleading information/documents—maximum penalty imprisonment for 2 years or \$22,000, or both).	38
		39
		40
(8)	The regulations may exempt or provide for the exemption, unconditionally or subject to conditions, of any organisation or class of organisation from any or all of the provisions of this section or the regulations made for the purposes of this section.	41
		42
		43
	<b>Note.</b> Section 175 of the <i>Public Works and Procurement Act 1912</i> provides for transparency in the supply chains of government agencies of the State.	44
		45

<b>23 Public register</b>	1
(1) The Commissioner is to keep a register in electronic form that:	2
(a) identifies any commercial organisation that has disclosed in a modern slavery statement under section 22 that its goods and services are, or may be, a product of supply chains in which modern slavery may be taking place and whether the commercial organisation has taken steps to address the concern, and	3 4 5 6
(b) identifies any other organisation or body that has voluntarily disclosed to the Commissioner that its goods and services are, or may be, a product of supply chains in which modern slavery is taking place and whether the organisation or body has taken steps to address the concern, and	7 8 9 10
(c) identifies any government agency failing to comply with directions of the NSW Procurement Board under section 175 of the <i>Public Works and Procurement Act 1912</i> concerning procurement (within the meaning of Part 11 of that Act) of goods and services that are the product of modern slavery and whether the government agency has taken steps to ensure compliance in the future.	11 12 13 14 15 16
(2) The Commissioner is to make the register publicly available free of charge.	17
<b>24 Codes of practice</b>	18
(1) The Commissioner may develop, and make publicly available, codes of practice for the purpose of providing guidance in identifying modern slavery taking place within the supply chains of government and non-government agencies and steps that can be taken by government and non-government agencies to remediate or monitor identified risks.	19 20 21 22 23
(2) A code of practice may refer to or incorporate, with or without modification, a standard or other document prepared or published by a body specified in the code, as in force at a particular time or from time to time.	24 25 26
<b>25 Commissioner's public awareness and advice functions—supply chains</b>	27
(1) The Commissioner may promote public awareness of and provide advice on steps that can be taken by government and non-government agencies to remediate or monitor risks of modern slavery taking place in their supply chains, including encouraging agencies to develop their capacity to avoid such risks.	28 29 30 31
(2) Without limiting subsection (1), the Commissioner may make information available to government and non-government agencies and other persons about matters to consider in relation to employing persons to work in supply chains.	32 33 34



## Part 4 Court orders

### 26 Modern slavery risk order

- (1) A court that convicts a person of an offence listed in Schedule 2 may (on the conviction or at any time afterwards) make an order prohibiting the person from engaging in conduct described in the order (a *modern slavery risk order*) if the court is satisfied:
- (a) that, on the balance of probabilities, there is reasonable cause to believe, having regard to the nature and pattern of conduct of the person, that the person poses a risk of engaging in conduct constituting modern slavery, and
  - (b) the making of the order will reduce the risk, and
  - (c) the order is necessary for the purpose of protecting persons generally, or a particular person, from the physical or psychological harm that is likely to be caused if the convicted person engages in the conduct.
- (2) Without limiting the orders that may be made under subsection (1), the court may prohibit the convicted person from contacting any victim of the modern slavery offence for which the person was convicted or a relative of the victim.
- (3) In determining whether or not to make a modern slavery risk order against a person, the court is to consider the following:
- (a) the seriousness of the offence for which the person was convicted,
  - (b) the seriousness of the person's total criminal record,
  - (c) the effect of the order on the person in comparison with the level of the risk that a further modern slavery offence may be committed by the person,
  - (d) any other matters it thinks relevant.
- (4) A modern slavery risk order may be made by the court on its own initiative or on application by the Attorney General or the Director of Public Prosecutions.
- (5) A modern slavery risk order has effect for such period after it is made (of at least 2 years) as is specified by the court.
- (6) An application may be made to the Supreme Court by a person who is subject to a modern slavery risk order to vary or revoke the order.
- (7) The Supreme Court may dispose of the application:
- (a) by varying or revoking the order, or
  - (b) by dismissing the application.
- (8) A person who is subject to a modern slavery risk order must not, without reasonable excuse, contravene the order.  
Maximum penalty: 500 penalty units or imprisonment for 2 years, or both.
- (9) The onus of proof of reasonable excuse in proceedings under subsection (8) lies on the person charged with the offence.
- Note.** A person who is convicted of a modern slavery offence may also be subject to orders under the *Confiscation of Proceeds of Crime Act 1989* or the *Criminal Assets Recovery Act 1990*. For example, if a person is convicted of a serious offence (such as an offence under section 91G or 93AB of the *Crimes Act 1900*) the Director of Public Prosecutions or another appropriate officer may seek the making of a pecuniary penalty order under the *Confiscation of Proceeds of Crime Act 1989* against the person in respect of benefits derived by the person from the commission of the offence. Similarly, if a person engages in serious crime related activity such as any thing that is an offence under section 93AB (Slavery, servitude and child forced labour) of the *Crimes Act 1900* an assets forfeiture order may be made against the person on application by the New South Wales Crime Commission under the *Criminal Assets Recovery Act 1990*.

<b>Part 5</b>	<b>Miscellaneous</b>	1
<b>27</b>	<b>Act to bind Crown</b>	2
	This Act binds the Crown in right of New South Wales and, in so far as the legislative power of the Parliament of New South Wales permits, the Crown in all its other capacities.	3 4 5
<b>28</b>	<b>Expenditure under this Act</b>	6
	Any expenditure incurred in the administration or execution of this Act by the State is to be paid out of money to be provided by Parliament.	7 8
<b>29</b>	<b>Nature of proceedings for offences</b>	9
(1)	Proceedings for an offence under this Act or the regulations may be dealt with:	10
(a)	summarily before the Local Court, or	11
(b)	summarily before the District Court.	12
(2)	If proceedings are brought in the Local Court, the maximum monetary penalty that the Local Court may impose for the offence is 100 penalty units, despite any higher maximum monetary penalty provided in respect of the offence.	13 14 15
<b>30</b>	<b>Regulations</b>	16
(1)	The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.	17 18 19 20
(2)	The regulations may create an offence punishable by a penalty not exceeding 50 penalty units.	21 22

<b>Schedule 1</b>	<b>Provisions relating to Commissioner</b>	1
	(Section 6 (2))	2
<b>1</b>	<b>Basis of office of Commissioner</b>	3
(1)	The office of Commissioner is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Governor.	4 5
(2)	The office of Commissioner is a statutory office under this Act and the holder of the office is not employed in the Public Service.	6 7
<b>2</b>	<b>Term of office</b>	8
(1)	Subject to this Schedule, the Commissioner holds office for such term not exceeding 5 years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	9 10 11
(2)	A person may not hold the office of Commissioner for terms totalling more than 5 years.	12 13
<b>3</b>	<b>Remuneration</b>	14
	The Commissioner is entitled to be paid:	15
(a)	remuneration in accordance with the <i>Statutory and Other Offices Remuneration Act 1975</i> , and	16 17
(b)	such travelling and subsistence allowances as the Premier may from time to time determine.	18 19
<b>4</b>	<b>Vacancy in office</b>	20
	The office of Commissioner becomes vacant if the holder:	21
(a)	dies, or	22
(b)	completes a term of office and is not re-appointed, or	23
(c)	resigns the office by instrument in writing addressed to the Governor, or	24
(d)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with the holder's creditors or makes an assignment of the holder's remuneration for their benefit, or	25 26 27
(e)	becomes a mentally incapacitated person, or	28
(f)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or	29 30 31 32
(g)	is removed from office by the Governor under clause 5.	33
<b>5</b>	<b>Removal from office</b>	34
(1)	The Governor may remove the Commissioner from office on the address of both Houses of Parliament.	35 36
(2)	The Governor may suspend the Commissioner from office for incompetence, incapacity or misbehaviour.	37 38
(3)	The Minister is to lay or cause to be laid before each House of Parliament, within 7 sitting days of that House after the Commissioner has been suspended from office, a full statement of the grounds for the suspension.	39 40 41

(4)	The suspension is to be lifted unless each House of Parliament, within 21 sitting days from the time when the statement was laid before it, declares by resolution that the Commissioner ought to be removed from office.	1 2 3
(5)	If each House does so declare within that period, the Commissioner is to be removed from office by the Governor.	4 5
(6)	For the purposes of this clause, sitting days are to be counted whether or not they occur in the same session.	6 7
<b>6</b>	<b>Filling of vacancy</b>	8
	If the office of Commissioner becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	9 10
<b>7</b>	<b>Appointment of acting Commissioner</b>	11
(1)	The Premier may, from time to time, appoint a person to act in the office of the Commissioner during the illness or absence of the Commissioner or during a vacancy in the office of the Commissioner. The person, while so acting, has all the functions of the Commissioner and is taken to be the Commissioner.	12 13 14 15
(2)	The Premier may, at any time, remove a person from office as acting Commissioner.	16
(3)	An acting Commissioner is entitled to be paid such remuneration (including travelling and subsistence allowances) as the Premier may from time to time determine.	17 18 19
<b>8</b>	<b>Personal liability of Commissioner</b>	20
(1)	In this clause: <i>protected person</i> means:	21 22
	(a) the Commissioner, or	23
	(b) a person acting under the direction of the Commissioner.	24
(2)	Anything done or omitted to be done by a protected person does not subject the protected person personally to any action, liability, claim or demand if the thing was done, or omitted to be done, in good faith for the purpose of exercising the functions of the protected person under this Act.	25 26 27 28
(3)	However, any such liability attaches instead to the Crown.	29

## Schedule 2 Offences

1

(Section 5)

2

An offence against the following sections of the *Crimes Act 1900*:

3

Section	Description of offence
80D	Causing sexual servitude
80E	Conduct of business involving sexual servitude
91G (1) and (2)	Children not to be used for production of child abuse material
91G (3)	Aggravated offence of using children for production of child abuse material
91H	Production, dissemination or possession of child abuse material
91HAA	Administering a digital platform used to deal with child abuse material
93AA–93AC	Slavery and slavery-like offences

An offence against any of the following sections of the Commonwealth Criminal Code:

4

Section	Description of offence
270.3	Slavery offences
270.5	Servitude offences
270.6A	Forced labour offences
270.7	Deceptive recruiting for labour or services
270.7B	Forced marriage offences
270.8	Slavery-like offences—aggravated offences
271.2	Offence of trafficking in persons
271.3	Trafficking in persons—aggravated offence
271.4	Offence of trafficking in children
271.5	Offence of domestic trafficking in persons
271.6	Domestic trafficking in persons—aggravated offence
271.7	Offence of domestic trafficking in children
271.8	Offence of debt bondage
271.9	Debt bondage—aggravated offence

<b>Schedule 3</b>	<b>Savings, transitional and other provisions</b>	1
<b>Part 1</b>	<b>General</b>	2
<b>1</b>	<b>Regulations</b>	3
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the enactment of this Act or any Act that amends this Act.	4 5
(2)	Any such provision may, if the regulations so provide, take effect from the date of assent to the Act concerned or a later date.	6 7
(3)	To the extent to which any such provision takes effect from a date that is earlier than the date of its publication on the NSW legislation website, the provision does not operate so as:	8 9 10
(a)	to affect, in a manner prejudicial to any person (other than the State or an authority of the State), the rights of that person existing before the date of its publication, or	11 12 13
(b)	to impose liabilities on any person (other than the State or an authority of the State) in respect of anything done or omitted to be done before the date of its publication.	14 15 16

## Schedule 4 Amendment of Crimes Act 1900 No 40

### [1] Section 91FA Definitions

Insert in alphabetical order:

*deal*, in relation to child abuse material, includes any of the following:

- (a) viewing, uploading or downloading child abuse material,
- (b) making child abuse material available for viewing, uploading or downloading,
- (c) facilitating the viewing, uploading or downloading of child abuse material.

### [2] Section 91G Children not to be used for production of child abuse material

Insert after section 91G (2):

- (3) A person is guilty of an offence against this subsection if the person commits an offence against subsection (1) or (2) in circumstances of aggravation.

Maximum penalty: imprisonment for 20 years.

- (3A) For the purposes of this section, *circumstances of aggravation* means circumstances involving any one or more of the following:

- (a) the alleged victim is under 10 years of age,
- (b) the alleged offender is in the company of another person or persons,
- (c) the alleged victim has a serious physical disability,
- (d) the alleged victim has a cognitive impairment,
- (e) the alleged offender took advantage of the alleged victim being under the influence of alcohol or a drug in order to commit the offence,
- (f) the alleged offender deprives the alleged victim of his or her liberty for a period before or after the commission of the offence.

- (3B) In proceedings for an offence against this section, it is not necessary to prove that the accused knew the age of the child concerned.

- (3C) If on the trial of a person charged with an offence against subsection (3) the trier of fact is not satisfied that the offence is proven but is satisfied that the person has committed an offence against subsection (1) or (2), the trier of fact may acquit the person of the offence charged and find the person guilty of an offence against subsection (1) or (2). The person is liable to punishment accordingly.

### [3] Sections 91HAA–91HAC

Insert after section 91H:

#### 91HAA Administering a digital platform used to deal with child abuse material

- (1) A person (the *administrator*) is guilty of an offence if:
- (a) the administrator administers, or assists in the administration of, a digital platform, and
  - (b) the digital platform is used by another person to deal with child abuse material, and
  - (c) the administrator:
    - (i) intends that the digital platform be used by another person to deal with child abuse material, or

(ii)	is aware that the digital platform is being used by another person to deal with child abuse material.	1
	Maximum penalty: imprisonment for 14 years.	2
(2)	In proceedings for an offence against this section, it is not necessary to prove the identity of the person using the digital platform to deal with child abuse material.	3
(3)	In this section:	4
	<i>administer</i> , a digital platform, includes the following:	5
(a)	design, create, manage or maintain the digital platform, part of the digital platform or a function of the digital platform,	6
(b)	provide a device to host the digital platform, part of the digital platform or a function of the digital platform,	7
(c)	facilitate the operation and use of the digital platform, part of the digital platform or a function of the digital platform.	8
<b>91HAB</b>	<b>Encouraging use of a digital platform to deal with child abuse material</b>	9
(1)	A person is guilty of an offence if:	10
(a)	the person is 18 or more years of age, and	11
(b)	the person encourages another person to use a digital platform, and	12
(c)	the person intends that other person to use the digital platform to deal with child abuse material.	13
	Maximum penalty: imprisonment for 14 years.	14
(2)	In determining whether a person has encouraged another person to use a digital platform with the intention of the person using it to deal with child abuse material in proceedings for an offence against this section, it is not necessary to prove:	15
(a)	the identity of the person encouraged to use the digital platform to deal with child abuse material, or	16
(b)	that another person in fact used the digital platform to deal with child abuse material, or	17
(c)	if another person did in fact use the digital platform to deal with child abuse material, that it was the defendant's encouragement that caused the person to do so.	18
<b>91HAC</b>	<b>Providing information about avoiding detection</b>	19
(1)	A person is guilty of an offence if the person intentionally provides information to another person about how to avoid detection of, or prosecution for, conduct that involves the commission of an offence against section 91HAA or 91HAB.	20
	Maximum penalty: imprisonment for 14 years.	21
(2)	In proceedings for an offence against this section, it is not necessary to prove:	22
(a)	the identity of the person to whom the information was provided, or	23
(b)	that the information was actually used by the other person.	24



<b>[4] Section 91HA Defences</b>	1
Insert after section 91HA (1):	2
<b>(1A) Reasonable steps to prevent dealing with child abuse material</b>	3
It is a defence in proceedings for an offence against section 91HAA that the defendant, on becoming aware that the digital platform was being used to deal with child abuse material, took all reasonable steps in the circumstances to prevent other persons from being able to use the digital platform to access child abuse material.	4 5 6 7 8
<b>[5] Section 91HA (3), (6) and (7)</b>	9
Insert “, 91HAA, 91HAB or 91HAC” after “section 91H”.	10
<b>[6] Section 91HA (8)</b>	11
Omit “or 91H”. Insert instead “, 91H, 91HAA, 91HAB or 91HAC”.	12
<b>[7] Part 3, Division 17</b>	13
Insert after section 93:	14
<b>Division 17 Slavery and slavery-like offences</b>	15
<b>93AA Definitions</b>	16
In this Division:	17
<i>coercion</i> includes coercion by any of the following:	18
(a) force,	19
(b) duress,	20
(c) detention,	21
(d) psychological oppression,	22
(e) abuse of power,	23
(f) taking advantage of a person’s vulnerability.	24
<i>deceive</i> means mislead as to fact (including the intention of any person) or as to law, by words or other conduct.	25 26
<i>threat</i> means:	27
(a) a threat of force, or	28
(b) a threat to cause a person’s deportation, or	29
(c) a threat of any other detrimental action, unless there are reasonable grounds for the threat of that action in connection with provision of labour or services by the person.	30 31 32
<b>93AB Slavery, servitude and child forced labour</b>	33
(1) A person is guilty of an offence if:	34
(a) the person holds another person in slavery or servitude and the circumstances are such that the person knows or ought to know that the person is held in slavery or servitude, or	35 36 37
(b) the person requires a child to perform forced or compulsory labour and the circumstances are such that the person knows or ought to know that the child is being required to perform forced or compulsory labour.	38 39 40
Maximum penalty: imprisonment for 25 years.	41

- (2) For the purposes of subsection (1) (b), ***forced or compulsory labour*** does not include: 1  
2
- (a) work or service normally required of a child who is under detention because of a court order or who, under a court order of this or another jurisdiction, has been conditionally released from detention or ordered to perform work in the community, or 3  
4  
5  
6
  - (b) work or service required because of an emergency threatening the New South Wales community or a part of the New South Wales community, or 7  
8  
9
  - (c) work or service that forms part of normal civil obligations. 10
- (3) In determining whether a person is being held in slavery or servitude or a child is required to perform forced or compulsory labour, regard may be had to all the circumstances. 11  
12  
13
- (4) For example, regard may be had to the following: 14
- (a) to any of the person's personal circumstances (such as the person being a child, the person's family relationships, and any mental or physical illness) which may make the person more vulnerable than other persons, 15  
16  
17
  - (b) to any work or services provided by the person, including work or services provided in circumstances which constitute exploitation, 18  
19
  - (c) the coercion, threat or deception involved. 20
- (5) The consent of a person (whether an adult or a child) to any of the acts alleged to constitute holding the person in slavery or servitude, or requiring the child to perform forced or compulsory labour, does not preclude a determination that the person is being held in slavery or servitude, or the child is required to perform forced or compulsory labour. 21  
22  
23  
24  
25
- (6) In this section: 26  
***servitude*** has the meaning it has in section 270.4 of the Commonwealth Criminal Code. 27  
28  
***slavery*** has the meaning it has in section 270.1 of the Commonwealth Criminal Code. 29  
30
- 93AC Child forced marriage** 31
- (1) In this section: 32  
***child*** means a person who is under 18 years of age. 33  
***marriage*** includes the following: 34
- (a) a marriage recognised under the law of a foreign country, 35
  - (b) a marriage that is void, invalid or not recognised by law for any reason. 36
- (2) For the purposes of this section, a child enters into a ***forced marriage*** if the child enters into the marriage without freely and fully consenting: 37  
38
- (a) because of the use of coercion, threat or deception (whether by another party to the marriage or by another person), or 39  
40
  - (b) because the child was incapable of understanding the nature and effect of the marriage ceremony. 41  
42
- (3) A person: 43
- (a) who causes a child to enter into a forced marriage, and 44

- |     |   |             |
|-----|---|-------------|
| (b) | who intends to cause, or is reckless as to causing, that forced marriage,<br>is guilty of an offence.   | 1<br>2      |
|     | Maximum penalty: imprisonment for 9 years.  | 3           |
| (4) | A person who enters into a marriage with a child knowing that it is a forced<br>marriage is guilty of an offence.   | 4<br>5      |
|     | Maximum penalty: imprisonment for 9 years.  | 6           |
| (5) | For the purpose of proving an offence against this section, a person under<br>16 years is presumed, unless the contrary is proved, to be incapable of<br>understanding the nature or effect of a marriage ceremony. | 7<br>8<br>9 |

<b>Schedule 5</b>	<b>Amendment of other Acts and regulations</b>	1
<b>5.1</b>	<b>Annual Reports (Departments) Regulation 2015</b>	2
	<b>Clause 6 Additional matters to be included in annual reports</b>	3
	Insert after clause 6 (b):	4
	(b1) a statement of the action taken by the Department in relation to any issue raised by the Anti-slavery Commissioner during the financial year then ended concerning the operations of the Department and identified by the Commissioner as being a significant issue,	5 6 7 8
	(b2) a statement of steps taken to ensure that goods and services procured by and for the Department during the financial year then ended were not the product of modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> ,	9 10 11 12
<b>5.2</b>	<b>Annual Reports (Statutory Bodies) Regulation 2015</b>	13
	<b>Clause 8 Additional matters to be included in annual reports</b>	14
	Insert after clause 8 (1) (b):	15
	(b1) a statement of the action taken by the body in relation to any issue raised by the Anti-slavery Commissioner during the financial year then ended concerning the operations of the body and identified by the Commissioner as being a significant issue,	16 17 18 19
	(b2) a statement of steps taken to ensure that goods and services procured by and for the body during the financial year then ended were not the product of modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> ,	20 21 22 23
<b>5.3</b>	<b>Crimes (Domestic and Personal Violence) Act 2007 No 80</b>	24
<b>[1]</b>	<b>Section 4 Meaning of “personal violence offence”</b>	25
	Insert after section 4 (b1):	26
	(b2) an offence under section 93AC (Child forced marriage) of the <i>Crimes Act 1900</i> , or	27 28
<b>[2]</b>	<b>Section 4 (c)</b>	29
	Omit “or (b1)”. Insert instead “, (b1) or (b2)”.	30
<b>[3]</b>	<b>Section 7 Meaning of “intimidation”</b>	31
	Insert at the end of section 7 (1) (c):	32
	, or	33
	(d) any conduct amounting to coercion of a child to enter into a forced marriage within the meaning of section 93AC of the <i>Crimes Act 1900</i> .	34 35
<b>[4]</b>	<b>Section 35 Prohibitions and restrictions imposed by apprehended violence orders</b>	36
	Insert after section 35 (2):	37
	(2A) Without limiting the generality of subsection (2) (f), an order may prohibit any behaviour of the defendant that might coerce the protected person into a forced marriage within the meaning of section 93AC of the <i>Crimes Act 1900</i> .	38 39 40

<b>[5] Section 40 Interim apprehended violence order must be made on charge for certain offences</b>	1
Insert after section 40 (5) (c):	2
(c1) an offence under section 93AC (child forced marriage) of the <i>Crimes Act 1900</i> , or	3
<b>[6] Section 40 (5) (d)</b>	4
Omit “or (c)”. Insert instead “, (c) or (c1)”.	5
<b>[7] Section 40 (5) (f)</b>	6
Insert “(c1),” after “(c),”.	7
<b>[8] Section 48 Making of application for an order</b>	8
Insert at the end of section 48 (2) (b):	9
, or	10
(c) in the case of a child being subjected to coercion to enter into a forced marriage (within the meaning of section 93AC of the <i>Crimes Act 1900</i> ) for whose protection an order would be made—the Secretary of the Department of Family and Community Services or a person authorised by the Secretary to make applications under this section on the Secretary’s behalf or any other person prescribed by the regulations.	11
<b>[9] Section 48 (3)</b>	12
Insert “(other than an application under subsection (2) (c))” after “an order”.	13
<b>[10] Section 52A</b>	14
Insert after section 52:	15
<b>52A Commencement of proceedings by Secretary of Department of Family and Community Services</b>	16
If an application for an order is made by the Secretary of the Department of Family and Community Services, the Secretary may commence the proceedings by issuing an application notice, signed by a registrar, and filing the notice in accordance with this Division.	17
<b>[11] Section 55 Service of application notice</b>	18
Insert after section 55 (2):	19
(2A) An application notice issued by the Secretary of the Department of Family and Community Services must be served by a person authorised by the rules in accordance with the rules.	20
<b>5.4 Criminal Assets Recovery Act 1990 No 23</b>	21
<b>Section 6 Meaning of “serious crime related activity”</b>	22
Insert after section 6 (2) (h):	23
(h1) an offence under section 93AB (Slavery, servitude and child forced labour) of the <i>Crimes Act 1900</i> , or	24

<b>5.5 Education Act 1990 No 8</b>	1
<b>Section 10 Minimum curriculum for secondary education (Years 7 to 10)</b>	2
Insert after section 10 (1) (d):	3
(d1) the course of study in the key learning area of Human Society and its Environment is to include education about prevention of modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> ,	4 5 6
<b>5.6 Public Works and Procurement Act 1912 No 45</b>	7
<b>[1] Section 171 Objectives of Board</b>	8
Insert after section 171 (b):	9
(b1) to ensure that goods and services procured by and for government agencies are not the product of modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> ,	10 11 12
<b>[2] Section 175 Board may issue directions to government agencies</b>	13
Insert after section 175 (3) (a):	14
(a1) without limiting paragraph (a), the steps to be taken to ensure that goods and services procured by and for government agencies are not the product of modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> , and	15 16 17 18
<b>[3] Section 175 (4)</b>	19
Insert after section 175 (3):	20
(4) The Board must consult during each financial year with the Anti-slavery Commissioner about the form and content of directions that should be issued during the year under subsection (3) (a1) and take into account any recommendations of the Commissioner.	21 22 23 24
<b>5.7 Victims Rights and Support Act 2013 No 37</b>	25
<b>[1] Section 5 Meaning of “victim of crime”</b>	26
Insert “or in the course of conduct of a kind referred to in paragraph (b) of the definition of <i>modern slavery</i> in section 5 (1) of the <i>Modern Slavery Act 2018</i> ” after “offence” in section 5 (1).	27 28 29
<b>[2] Section 17 Object of Part</b>	30
Insert “and acts of modern slavery” after “violence”.	31
<b>[3] Section 19A</b>	32
Insert after section 19:	33
<b>19A Meaning of “act of modern slavery”</b>	34
(1) In this Act, <i>act of modern slavery</i> means an act or series of related acts, whether committed by one or more persons:	35 36
(a) that has apparently occurred in the course of commission of an offence or other conduct constituting modern slavery within the meaning of the <i>Modern Slavery Act 2018</i> , and	37 38 39

(b)	that has involved subjecting one or more persons to any form of slavery, servitude or forced labour of a child within the meaning of section 93AB of the <i>Crimes Act 1900</i> , and	1 2 3
(c)	that has resulted in injury or death to one of those persons.	4
(2)	For the avoidance of doubt, the reference to an offence in subsection (1) (a) extends to conduct of a person that would constitute an offence were it not for the fact that the person cannot, or might not, be held to be criminally responsible for the conduct because of the person's age or mental illness or impairment.	5 6 7 8 9
(3)	Except as provided by subsections (4) and (5), a <i>series of related acts</i> is 2 or more acts that are related because:	10 11
(a)	they were committed against the same person, and	12
(b)	in the opinion of the Tribunal or the Commissioner:	13
(i)	they were committed at approximately the same time, or	14
(ii)	they were committed over a period of time by the same person or group of persons, or	15 16
(iii)	they were, for any other reason, related to each other.	17
(4)	An act is not related to another act if, in the opinion of the Tribunal or the Commissioner, having regard to the particular circumstances of those acts, they ought not to be treated as related acts.	18 19 20
(5)	An act is not related to any earlier act in respect of which support is given under this Act if it occurs after the support is given.	21 22
(6)	For the purposes of this Act, a series of related acts, whether committed by one or more persons, constitutes a single act of violence.	23 24
<b>[4]</b>	<b>Section 20 Meaning of "primary victim"</b>	25
	Insert "or act of modern slavery" after "violence" wherever occurring.	26
<b>[5]</b>	<b>Section 23 Eligibility for support</b>	27
	Insert "or act of modern slavery" after "violence" wherever occurring in section 23 (1) and (2).	28 29
<b>[6]</b>	<b>Section 30 Financial assistance</b>	30
	Insert "or act of modern slavery" after "violence" wherever occurring in section 30 (2).	31
<b>[7]</b>	<b>Section 31 Approved counselling services</b>	32
	Insert "or act of modern slavery" after "violence" in section 31 (1) (b).	33
<b>[8]</b>	<b>Section 32 Authorisation of payments for approved counselling services</b>	34
	Insert "or acts of modern slavery" after "violence" in section 32 (1).	35
<b>[9]</b>	<b>Section 32 (2)</b>	36
	Insert "or act of modern slavery" after "violence".	37
<b>[10]</b>	<b>Section 38 Applications for victims support</b>	38
	Insert "or act of modern slavery" after "violence" in section 38 (1) (a).	39
<b>[11]</b>	<b>Section 39 Documentary evidence</b>	40
	Insert "or act of modern slavery" after "violence" wherever occurring in section 39 (2).	41

<b>[12]</b>	<b>Section 40 Time for lodging, and duration of, applications</b>	1
	Insert “or act of modern slavery” after “violence” wherever occurring in section 40 (1) and (6).	2 3
<b>[13]</b>	<b>Section 43 Determination of applications</b>	4
	Insert “or act of modern slavery” after “violence” wherever occurring in section 43 (3) (a).	5
<b>[14]</b>	<b>Section 44 Reasons for not approving the giving of victims support or for reducing amount of financial support or recognition payment</b>	6 7
	Insert “or act of modern slavery” after “act of violence” wherever occurring.	8
<b>[15]</b>	<b>Section 44 (3A)</b>	9
	Insert after section 44 (3):	10
	(3A) In determining a matter referred to in subsection (1) or (2) in the case of an act of modern slavery, the Commissioner must have regard to the nature of the relationship between the victim and the person or persons by whom the act of modern slavery is alleged to have been committed.	11 12 13 14
<b>[16]</b>	<b>Section 48 Victims support may be approved subject to conditions</b>	15
	Insert “or act of modern slavery” after “violence” wherever occurring in section 48 (2) (d).	16
<b>[17]</b>	<b>Section 58 Definitions</b>	17
	Insert “or act of modern slavery” after “violence” in paragraph (a) of the definition of <i>relevant offence</i> .	18 19
<b>[18]</b>	<b>Section 58, definition of “relevant offence”</b>	20
	Insert “or 19A (3)” after “section 19 (4)” in paragraph (c) of the definition.	21
<b>[19]</b>	<b>Section 79 Application of Division</b>	22
	Insert “or act of modern slavery” after “violence” wherever occurring.	23
<b>[20]</b>	<b>Section 83 Making of restraining order</b>	24
	Insert “or act of modern slavery” after “violence” wherever occurring in section 83 (1) (a).	25