



New South Wales

# Modern Slavery Amendment Bill 2021

## Explanatory note

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

## Overview of Bill

The object of this Bill is to make miscellaneous amendments to the *Modern Slavery Act 2018* (the *Principal Act*) to combat modern slavery and provide assistance and support for victims of modern slavery. In particular, the Bill makes further provision to deal with the following—

- (a) the date of commencement of the Principal Act,
- (b) the functions of the Anti-slavery Commissioner,
- (c) co-operation between the Anti-slavery Commissioner and other agencies, including the Commissioner of Police,
- (d) reports by the Anti-slavery Commissioner,
- (e) the repeal of provisions requiring commercial organisations to prepare modern slavery statements about steps taken to ensure goods and services are not products of supply chains in which modern slavery is taking place,
- (f) the repeal of provisions enabling courts to make certain post-conviction orders relating to modern slavery offences,
- (g) the clarification of an uncommenced offence in the *Crimes Act 1900* dealing with child forced marriage,
- (h) the provision of recognition payments under the *Victims Rights and Support Act 2013* to certain victims of acts of modern slavery,
- (i) other matters of a law revision, machinery or savings and transitional nature.

## Outline of provisions

**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 assent.

### **Schedule 1      Amendment of Modern Slavery Act 2018 No 30**

**Schedule 1[1]** provides that the Principal Act is to commence on 1 January 2022.

**Schedule 1[3]** clarifies an object of the Principal Act relating to child abuse material.

**Schedule 1[4]** clarifies that State owned corporations, and other corporations of which one or more Ministers are a shareholder, are for the purposes of the Principal Act not to be treated as government agencies. **Schedule 1[52]** makes a consequential amendment.

**Schedule 1[7]** amends the Principal Act, section 5, definition of *modern slavery offence* to clarify that conduct engaged in elsewhere than in New South Wales is a modern slavery offence if, had it occurred in New South Wales, it would constitute a modern slavery offence.

**Schedule 1[9]** clarifies the meaning of the term government agency of the State for the purposes of the Principal Act.

**Schedule 1[13], [15], [16], [19] and [26]** make law revision amendments and update a reference.

**Schedule 1[17]** clarifies that government agencies of the State and persons and bodies that provide services to, or advocate for, victims of modern slavery in the State must work in co-operation with the Anti-slavery Commissioner (the *Commissioner*) in the exercise of the Commissioner's functions.

**Schedule 1[18] and [21]** make amendments to clarify the law relating to the sharing of information with the Commissioner. **Schedule 1[21]** substitutes a provision of the Principal Act to provide that no criminal or civil liability, apart from under the Principal Act, attaches to a person for compliance, or purported compliance in good faith, with a requirement made under the Principal Act or for providing information to the Commissioner. In particular, if a person provides information, a document or other thing to the Commissioner, no civil liability attaches to the person for doing so, whether the liability would arise under a contract or otherwise. If information, a document or other thing is provided to the Commissioner, no liability for defamation or other civil liability is incurred because of the provision of the information, document or thing. **Schedule 1[18]** makes a consequential amendment.

**Schedule 1[21]** also inserts proposed section 16A into the Principal Act to provide that a matter or thing done or omitted to be done by the Commissioner or a person acting under the direction of the Commissioner does not, if the matter or thing was done or omitted to be done in good faith for the purpose of exercising a function under the Principal Act or under another law, subject the Commissioner or person personally to an action, liability, claim or demand. The liability attaches instead to the Crown.

**Schedule 1[23]** extends a provision to enable information obtained by the Commissioner while exercising the Commissioner's functions to be brought to the attention of a member of the NSW Police Force if it might be of material assistance in securing the apprehension of an offender, or the prosecution or conviction of an offender, for a child abuse offence within the meaning of the *Crimes Act 1900*, section 316A.

**Schedule 1[25]** repeals the Principal Act, section 24 (Transparency of supply chain), being the provision that requires commercial organisations to prepare modern slavery statements about steps taken to ensure goods and services are not products of supply chains in which modern slavery is taking place. **Schedule 1[2], [5], [8], [10]–[12], [14], [20], [22], [24], [27], [30] and [31]** make consequential amendments.

**Schedule 1[28]** provides that the public register kept by the Commissioner may include additional information that the Commissioner thinks appropriate and other information required by the

regulations to be recorded on the register. **Schedule 1[29]** provides that the regulations may require government agencies to give specified information to the Commissioner for inclusion on the register and may specify the way the information is to be given to the Commissioner.

**Schedule 1[32]** repeals the Principal Act, Part 4 (Court orders) which enabled the making of modern slavery risk orders. **Schedule 1[8]** makes a consequential amendment.

**Schedule 1[33]** provides that proceedings for an offence under the Principal Act or its regulations are to be dealt with summarily before the Local Court.

**Schedule 1[34]** inserts proposed sections 35 and 36 into the Principal Act. Proposed section 35 deals with the provision of information to the Commissioner, on request or in accordance with arrangements, by the Commissioner of Police. Proposed section 36 provides for the review of the Principal Act as soon as possible after 12 months from its commencement.

**Schedule 1[35]** provides that the offence in the *Human Tissue Act 1983*, section 32 (Trading in tissue prohibited) is a modern slavery offence only in relation to human tissue organs. **Schedule 1[6]** makes a consequential amendment.

**Schedule 1[36]** inserts Commonwealth Criminal Code offences relating to organ trafficking into the list of modern slavery offences in the Principal Act, Schedule 2.

**Schedule 1[37]** amends the savings and transitional schedule to the Principal Act to include an updated version of the standard savings and transitional regulation-making provision.

**Schedule 1[38]** amends the uncommenced provisions creating an aggravated offence relating to the *Crimes Act 1900*, section 91G (Children not to be used for production of child abuse material) offence. The amendment makes the definition provision for *circumstances of aggravation* consistent with other provisions in the *Crimes Act 1900*, including by providing that the circumstance relating to threats to inflict actual bodily harm must be threats by means of an offensive weapon or instrument.

**Schedule 1[39]** renumbers a section.

**Schedule 1[40]** amends the uncommenced *Crimes Act 1900*, section 93AB(1) (Slavery, servitude and child forced labour), which is to be inserted into that Act by the Principal Act, Schedule 4[7], to clarify that the prohibited actions must occur in New South Wales.

**Schedule 1[41] and [42]** substitute the uncommenced *Crimes Act 1900*, section 93AC(2), (4) and (5) (Child forced marriage), which is to be inserted into that Act by the Principal Act, Schedule 4[7], to clarify that a person does not commit the child forced marriage offence if the person is a victim of the forced marriage and make the offence mirror more closely the corresponding Commonwealth Criminal Code offence.

**Schedule 1[43]–[47]** make amendments to the Principal Act, Schedule 5.3, which amends the *Crimes (Domestic and Personal Violence) Act 2007*, for the following purposes—

- (a) to include a reference to the offences of forced marriage under the Commonwealth Criminal Code in certain definitions of *personal violence offence* and *serious offence* in that Act,
- (b) to include in the definition of *intimidation* in that Act a reference to conduct amounting to the coercion or deception of, or a threat to, a child to enter into a forced marriage within the meaning of the *Crimes Act 1900*, section 93AC, or a person to enter into a forced marriage within the meaning of the Commonwealth Criminal Code, section 270.7A,
- (c) to make it clear that an apprehended violence order under the *Crimes (Domestic and Personal Violence) Act 2007* may prohibit behaviour of the defendant that might coerce, threaten or deceive the protected person to enter into a forced marriage within the meaning of the relevant provisions of the *Crimes Act 1900* or the Commonwealth Criminal Code,
- (d) to make consequential amendments.

**Schedule 1[48]** provides for an amendment to the *Crimes (High Risk Offenders) Act 2006* to make the offences under the *Crimes Act 1900*, Part 3 (Offences against the person), Division 10A (Sexual servitude) ***offences of a sexual nature*** for the purposes of that Act.

**Schedule 1[49]** provides for an amendment to the *Defamation Act 2005* to provide that the defence of absolute privilege applies to the publication of certain specified matters arising under the Principal Act.

**Schedule 1[50] and [51]** amend the Principal Act, Schedule 5.5, which amends the *Public Finance and Audit Act 1983*, to clarify which government agencies are to be the subject of modern slavery audits by the Auditor-General and what the Auditor-General is to consider when conducting those audits.

**Schedule 1[56]** amends the Principal Act, Schedule 5.7, which amends the *Victims Rights and Support Act 2013*, to provide for recognition payments under that Act to be made to certain victims of acts of modern slavery.

**Schedule 1[53]–[55] and [57]–[60]** make law revision and consequential amendments to the Principal Act, Schedule 5.7 which amends the *Victims Rights and Support Act 2013*.



New South Wales

# Modern Slavery Amendment Bill 2021

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New South Wales

# Modern Slavery Amendment Bill 2021

No. , 2021

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## **A Bill for**

An Act to amend the *Modern Slavery Act 2018* to make further provision with respect to slavery, slavery-like practices and human trafficking; and for other purposes.

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**Tabling copy**

**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Modern Slavery Amendment Act 2021*.

3

**2 Commencement**

4

This Act commences on the date of assent to this Act.

5

<b>Schedule 1</b>	<b>Amendment of Modern Slavery Act 2018 No 30</b>	1
<b>[1] Section 2 Commencement</b>		2
	Omit “commences on a day or days to be appointed by proclamation”.	3
	Insert instead “commences on 1 January 2022”.	4
<b>[2] Section 3 Objects of Act</b>		5
	Omit “and commercial organisations” from section 3(h).	6
<b>[3] Section 3(j)</b>		7
	Insert “or encourage another person to use a digital platform to deal with child abuse material” after “child abuse material”.	8 9
<b>[4] Section 5 Definitions</b>		10
	Omit section 5(1), definition of <i>government agency</i> , paragraphs (c) and (d).	11
<b>[5] Section 5(1), definition of “modern slavery”, paragraph (b)</b>		12
	Omit “or non-government agencies”.	13
<b>[6] Section 5(1), definition of “modern slavery offence”, paragraphs (a) and (b)</b>		14
	Omit “listed” wherever occurring. Insert instead “described”.	15
<b>[7] Section 5(1), definition of “modern slavery offence”, paragraph (c)</b>		16
	Omit the paragraph. Insert instead—	17
	(c) conduct engaged in elsewhere than in New South Wales that, if it occurred in New South Wales, would constitute a modern slavery offence under paragraph (a) or (b).	18 19 20
<b>[8] Section 5(1), definitions of “modern slavery risk order” and “non-government agency”</b>		21 22
	Omit the definitions.	23
<b>[9] Section 5(3)</b>		24
	Insert after section 5(2)—	25
	(3) A reference in this Act to a government agency of the State is a reference to a government agency other than a public or local authority constituted by an Act of another jurisdiction.	26 27 28
<b>[10] Section 9 General functions of Commissioner</b>		29
	Omit “and non-government” from section 9(1)(d).	30
<b>[11] Section 9(1)(e)</b>		31
	Omit “and commercial organisations”.	32
<b>[12] Section 9(3)</b>		33
	Omit “or non-government”.	34
<b>[13] Section 11 Strategic plan</b>		35
	Omit “ <i>National Action Plan to Combat Human Trafficking and Slavery 2015–19</i> launched by the Minister for Justice of the Commonwealth in 2014” from section 11(5)(a).	36 37



Insert instead “ <i>National Action Plan to Combat Modern Slavery 2020–25</i> launched by the Assistant Minister for Customs, Community Safety and Multicultural Affairs on 9 December 2020”.	1 2 3
<b>[14] Section 12 Commissioner’s public awareness and advice functions generally</b>	4
Omit “a government or non-government agency or other body or organisation” from section 12(d).	5 6
Insert instead “another person or body”.	7
<b>[15] Sections 13(2) and 19(3)(c) and Schedule 5</b>	8
Omit “Department of Family and Community Services” wherever occurring.	9
Insert instead “Department of Communities and Justice”.	10
<b>[16] Section 13 Referral of matters to police and other agencies in the State and elsewhere</b>	11 12
Omit “under this section” from section 13(4). Insert instead “under this Act”.	13
<b>[17] Section 14 Co-operation between the Commissioner and New South Wales agencies</b>	14
Omit section 14(1). Insert instead—	15
(1) Government agencies of the State and persons and bodies that provide services to, or advocate for, victims of modern slavery in the State must work in co-operation with the Commissioner in the exercise of the Commissioner’s functions.	16 17 18 19
<b>[18] Section 14(2)</b>	20
Omit “, subject to any duty of confidentiality imposed by law,”.	21
<b>[19] Section 14(5)</b>	22
Omit “under this section”. Insert instead “under this Act”.	23
<b>[20] Section 15 Co-operation with other agencies, persons, bodies and organisations</b>	24
Omit “and non-government” wherever occurring in section 15(1) and (2).	25
<b>[21] Sections 16 and 16A</b>	26
Omit section 16. Insert instead—	27
<b>16 Personal liability—co-operation with Commissioner</b>	28
(1) No criminal or civil liability, apart from under this Act, attaches to a person for the following—	29 30
(a) compliance, or purported compliance in good faith, with a requirement made under this Act,	31 32
(b) providing information to the Commissioner.	33
(2) Without limiting subsection (1), if a person provides information, a document or other thing to the Commissioner, no civil liability attaches to the person for doing so, whether the liability would arise under a contract or otherwise.	34 35 36
(3) If information, a document or other thing is provided to the Commissioner, no liability for defamation or other civil liability is incurred because of the provision of the information, document or thing.	37 38 39

<b>16A</b>	<b>Personal liability—Commissioner and others</b>	1
(1)	A matter or thing done or omitted to be done by the Commissioner or a person acting under the direction of the Commissioner does not, if the matter or thing was done or omitted to be done in good faith for the purpose of exercising a function under this Act or under another law, subject the Commissioner or person so acting personally to an action, liability, claim or demand.	2 3 4 5 6
(2)	However, the liability attaches instead to the Crown.	7
<b>[22]</b>	<b>Section 19 Annual and other reports to Parliament</b>	8
	Omit “, workers in non-government agencies” from section 19(3)(a).	9
<b>[23]</b>	<b>Section 20</b>	10
	Omit the section. Insert instead—	11
<b>20</b>	<b>Reports under Children and Young Persons (Care and Protection) Act 1998 and Crimes Act 1900</b>	12 13
(1)	Information obtained by the Commissioner while exercising the Commissioner’s functions may be used for the following purposes—	14 15
(a)	making a report to the Secretary of the Department of Communities and Justice under the <i>Children and Young Persons (Care and Protection) Act 1998</i> , section 24,	16 17 18
(b)	bringing information to the attention of a member of the NSW Police Force that might be of material assistance in securing the apprehension of an offender, or the prosecution or conviction of an offender, for a child abuse offence within the meaning of the <i>Crimes Act 1900</i> , section 316A.	19 20 21 22 23
(2)	The Commissioner must use the information for those purposes if the Commissioner has reasonable grounds to suspect that a child or young person, or a class of children or young persons, is at risk of significant harm.	24 25 26
<b>[24]</b>	<b>Part 3, heading</b>	27
	Omit the heading. Insert instead—	28
	<b>Part 3 Government procurement supply chains</b>	29
<b>[25]</b>	<b>Section 24 Transparency of supply chain</b>	30
	Omit the section.	31
<b>[26]</b>	<b>Section 25 Government agency procurement</b>	32
	Omit “the procurement of goods and services by government agencies”.	33
	Insert instead “goods and services procured by government agencies”.	34
<b>[27]</b>	<b>Section 26 Public register</b>	35
	Omit section 26(1)(a) and (b).	36
<b>[28]</b>	<b>Section 26(1)(d) and (e)</b>	37
	Insert at the end of section 26(1)(c)—	38
	, and	39
	(d) includes other information the Commissioner thinks appropriate, and	40

	(e) includes other information required by the regulations to be recorded on the register.	1 2
<b>[29] Section 26(3)</b>		3
	Insert after section 26(2)—	4
	(3) The regulations may—	5
	(a) require government agencies to give specified information to the Commissioner for inclusion on the register, and	6 7
	(b) specify the way the information is to be given to the Commissioner.	8
<b>[30] Section 27 Codes of practice</b>		9
	Omit “and non-government” wherever occurring in section 27(1).	10
<b>[31] Section 28 Commissioner’s public awareness and advice functions—supply chains</b>		11
	Omit “and non-government” wherever occurring in section 28(1) and (2).	12
<b>[32] Part 4 Court orders</b>		13
	Omit the Part.	14
<b>[33] Section 33</b>		15
	Omit the section. Insert instead—	16
	<b>33 Nature of proceedings for offences</b>	17
	Proceedings for an offence under this Act or the regulations may be dealt with summarily before the Local Court.	18 19
<b>[34] Sections 35 and 36</b>		20
	Insert after section 34—	21
	<b>35 Commissioner of Police to provide certain information</b>	22
	(1) The Commissioner of Police is, on request or in accordance with arrangements with the Commissioner, to provide the Commissioner with information regarding modern slavery and victims of modern slavery.	23 24 25
	(2) The Commissioner is not to disclose information provided under this section except with the written consent of the Commissioner of Police.	26 27
	(3) The Commissioner of Police is not required to provide information under this section if the Commissioner of Police reasonably believes that to do so would—	28 29 30
	(a) prejudice the investigation of a contravention, or possible contravention, of a law in a particular case, or	31 32
	(b) prejudice a coronial inquest or inquiry, or	33
	(c) prejudice care proceedings, or	34
	(d) contravene legal professional or client legal privilege, or	35
	(e) enable the existence or identity of a confidential source of information in relation to the enforcement or administration of a law to be ascertained, or	36 37 38
	(f) endanger a person’s life or physical safety, or	39

(g)	prejudice the effectiveness of a lawful method or procedure for preventing, detecting, investigating or dealing with a contravention, or possible contravention, of a law, or	1 2 3
(h)	not be in the public interest.	4
(4)	If the Commissioner of Police refuses to provide information in accordance with a request or arrangements under this section, the Commissioner of Police must, at the time the Commissioner of Police notifies the Commissioner of the refusal, provide the Commissioner with reasons in writing for the refusal.	5 6 7 8
<b>36</b>	<b>Review of Act</b>	9
(1)	The Minister is to review this Act to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.	10 11 12
(2)	The review is to be undertaken as soon as possible after the period of 12 months from the commencement of this Act.	13 14
(3)	A report on the outcome of the review is to be tabled in each House of Parliament within 24 months from the commencement of this Act.	15 16
<b>[35]</b>	<b>Schedule 2 Offences</b>	17
	Insert “, but only in relation to tissue that is an organ” after “32” in the matter relating to the <i>Human Tissue Act 1983</i> .	18 19
<b>[36]</b>	<b>Schedule 2</b>	20
	Insert in appropriate order in the matter relating to the Commonwealth Criminal Code—	21
271.7B	Offence of organ trafficking—entry into and exit from Australia	
271.7C	Organ trafficking—aggravated offence	
271.7D	Offence of domestic organ trafficking	
271.7E	Domestic organ trafficking—aggravated offence	
<b>[37]</b>	<b>Schedule 3 Savings, transitional and other provisions</b>	22
	Omit clause 1. Insert instead—	23
<b>1</b>	<b>Regulations</b>	24
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—	25 26
(a)	a provision of this Act, or	27
(b)	a provision amending this Act.	28
(2)	A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after that commencement.	29 30
(3)	A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after that commencement.	31 32
(4)	A savings or transitional provision made consequent on the commencement of a provision may take effect before that commencement but not before—	33 34
(a)	for a provision of this Act—the date of assent to this Act, or	35
(b)	for a provision amending this Act—the date of assent to the amending Act.	36 37

(5)	A savings or transitional provision taking effect before its publication on the NSW legislation website does not—	1
		2
(a)	affect the rights of a person existing before the publication in a way prejudicial to the person, or	3
		4
(b)	impose liabilities on a person for anything done or omitted to be done before the publication.	5
		6
(6)	In this clause—	7
	<i>person</i> does not include the State or an authority of the State.	8
<b>[38]</b>	<b>Schedule 4 Amendment of Crimes Act 1900 No 40</b>	9
	Omit Schedule 4[2], section 91G(3A). Insert instead—	10
(3A)	In this section, <i>circumstances of aggravation</i> means circumstances in which—	11
		12
(a)	the alleged victim is under 10 years of age, or	13
(b)	at the time of, or immediately before or after, the commission of the offence, the alleged offender intentionally or recklessly inflicts actual bodily harm on the alleged victim or any other person who is present or nearby, or	14
		15
		16
		17
(c)	at the time of, or immediately before or after, the commission of the offence, the alleged offender threatens to inflict actual bodily harm on the alleged victim or any other person who is present or nearby by means of an offensive weapon or instrument, or	18
		19
		20
		21
(d)	the alleged offender is in the company of another person or persons, or	22
(e)	the alleged victim is, whether generally or at the time of the commission of the offence, under the authority of the alleged offender, or	23
		24
(f)	the alleged victim has a serious physical disability, or	25
(g)	the alleged victim has a cognitive impairment, or	26
(h)	the alleged offender took advantage of the alleged victim being under the influence of alcohol or a drug in order to commit the offence, or	27
		28
(i)	the alleged offender deprives the alleged victim of his or her liberty for a period before or after the commission of the offence, or	29
		30
(j)	the alleged offender breaks and enters into a dwelling-house or other building with the intention of committing the offence or another serious indictable offence.	31
		32
		33
<b>[39]</b>	<b>Schedule 4[2A]</b>	34
	Insert after Schedule 4[2]—	35
<b>[2A]</b>	<b>Section 91HB</b>	36
	Re-number section 91HAA as section 91HB and move to its appropriate location.	37
<b>[40]</b>	<b>Schedule 4[7], section 93AB(1)</b>	38
	Insert “, in New South Wales” after “if”.	39
<b>[41]</b>	<b>Schedule 4[7], section 93AC(2)</b>	40
	Omit the subsection. Insert instead—	41
(2)	For the purposes of this section, a child enters into a <i>forced marriage</i> if—	42
(a)	the child enters into the marriage without freely and fully consenting—	43

	(i) because of the use of coercion, threat or deception, or	1
	(ii) because the child was incapable of understanding the nature and effect of the marriage ceremony, or	2 3
	(b) when the marriage is entered into, the child is under 16 years of age.	4
<b>[42]</b>	<b>Schedule 4[7], section 93AC(4) and (5)</b>	5
	Omit the subsections. Insert instead—	6
	(4) A person is guilty of an offence if the person—	7
	(a) enters into a marriage with a child, and	8
	(b) knows that it is a forced marriage, and	9
	(c) is not a victim of the forced marriage.	10
	Maximum penalty—imprisonment for 9 years.	11
	(5) For the purposes of subsection (2)(a)(i), the subparagraph applies whether the use of the coercion, threat or deception—	12 13
	(a) is by another party to the marriage or by another person, or	14
	(b) is against the child or another person.	15
<b>[43]</b>	<b>Schedule 5 Amendment of other Acts and regulations</b>	16
	Insert before Schedule 5.3[1]—	17
<b>[1A]</b>	<b>Section 3 Definitions</b>	18
	Insert in alphabetical order in section 3(1)—	19
	<i>Commonwealth Criminal Code</i> means the Criminal Code set out in the Schedule to the <i>Criminal Code Act 1995</i> of the Commonwealth.	20 21
<b>[44]</b>	<b>Schedule 5.3[1] and [5]</b>	22
	Insert “or the Commonwealth Criminal Code, section 270.7B (Forced marriage offences)” after “of the <i>Crimes Act 1900</i> ” wherever occurring.	23 24
<b>[45]</b>	<b>Schedule 5.3[3], section 7(1)(d) and (e)</b>	25
	Omit section 7(1)(d). Insert instead—	26
	(d) conduct amounting to the coercion or deception of, or a threat to, a child to enter into a forced marriage within the meaning of the <i>Crimes Act 1900</i> , section 93AC, or	27 28 29
	(e) conduct amounting to the coercion or deception of, or a threat to, a person to enter into a forced marriage within the meaning of the Commonwealth Criminal Code, section 270.7A (Definition of forced marriage).	30 31 32 33
<b>[46]</b>	<b>Schedule 5.3[4], section 35(2A)</b>	34
	Omit section 35(2A). Insert instead—	35
	(2A) Without limiting the generality of subsection (2)(f), an apprehended violence order may prohibit behaviour of the defendant that might coerce, threaten or deceive the protected person to enter into a forced marriage within the meaning of the <i>Crimes Act 1900</i> , section 93AC or the Commonwealth Criminal Code, section 270.7A (Definition of forced marriage).	36 37 38 39 40

<b>[47] Schedule 5.3[8], section 48(2)(c)</b>	1
Insert “or the Commonwealth Criminal Code, section 270.7A (Definition of forced marriage)” after “the <i>Crimes Act 1900</i> ”.	2 3
<b>[48] Schedule 5.3A</b>	4
Insert after Schedule 5.3—	5
<b>5.3A Crimes (High Risk Offenders) Act 2006 No 7</b>	6
<b>Section 5 Definitions of “serious sex offence” and “offence of a sexual nature”</b>	7
Insert after section 5(2)(a)—	8
(a1) an offence under the <i>Crimes Act 1900</i> , Part 3, Division 10A,	9
<b>[49] Schedule 5.4A</b>	10
Insert after Schedule 5.4—	11
<b>5.4A Defamation Act 2005 No 77</b>	12
<b>Schedule 1 Additional publications to which absolute privilege applies</b>	13
Insert after clause 34—	14
<b>35 Matters arising under Modern Slavery Act 2018</b>	15
Without limiting section 27(2)(a)–(c), matter that is published—	16
(a) to or by the Anti-slavery Commissioner or an acting Anti-slavery Commissioner in their capacity as the Anti-slavery Commissioner or an acting Anti-slavery Commissioner, or	17 18 19
(b) to a member of staff of the Anti-slavery Commissioner in their capacity as a member, or	20 21
(c) in a strategic plan under the <i>Modern Slavery Act 2018</i> , section 11, or	22 23
(d) in a report under the <i>Modern Slavery Act 2018</i> , section 13, 19 or 20, or	24 25
(e) in a register under the <i>Modern Slavery Act 2018</i> , or	26
(f) in annual reporting information under the <i>Modern Slavery Act 2018</i> , section 31.	27 28
<b>[50] Schedule 5.5, section 38F</b>	29
Omit the definition of <i>government agency</i> . Insert instead—	30
<i>government agency</i> has the same meaning it has in the <i>Modern Slavery Act 2018</i> , but does not include the following—	31 32
(a) a council, county council or joint organisation within the meaning of the <i>Local Government Act 1993</i> ,	33 34
(b) a public or local authority that is constituted by an Act of another jurisdiction that exercises public functions.	35 36
<b>[51] Schedule 5.5, section 38G(2)</b>	37
Omit the subsection. Insert instead—	38
(2) In exercising functions under this section, the Auditor-General is to consider whether the government agency—	39 40

(a)	has exercised due diligence in relation to procurement of goods and services, and	1 2
(b)	if the <i>Public Works and Procurement Act 1912</i> , Part 11 applies to the procurement of goods and services by or for the government agency, has complied with the directions of the NSW Procurement Board under section 175(3)(a1) of that Act.	3 4 5 6
	<b>Note—</b> The <i>Public Works and Procurement Act 1912</i> , Part 11 does not apply to the procurement of goods and services by or for—	7 8
	(a) a local council or other local authority, or	9
	(b) the Parliament of New South Wales.	10
	See section 163(2) of that Act.	11
<b>[52]</b>	<b>Schedule 5.6[1]</b>	12
	Omit the item.	13
<b>[53]</b>	<b>Schedule 5.7[2A]</b>	14
	Insert after Schedule 5.7[2]—	15
<b>[2A]</b>	<b>Section 18 Definitions</b>	16
	Insert in alphabetical order—	17
	<i>act of modern slavery</i> —see section 19A.	18
<b>[54]</b>	<b>Schedule 5.7[3], section 19A(1)</b>	19
	Insert “committed in New South Wales” after “related acts”.	20
<b>[55]</b>	<b>Schedule 5.7[3], section 19A(6)</b>	21
	Omit “act of violence”. Insert instead “act of modern slavery”.	22
<b>[56]</b>	<b>Schedule 5.7[5A]</b>	23
	Insert after Schedule 5.7[5]—	24
<b>[5A]</b>	<b>Sections 25(1), (4), (6) and (7), 26 and 27</b>	25
	Insert “or act of modern slavery” after “violence” wherever occurring.	26
<b>[57]</b>	<b>Schedule 5.7[6A]</b>	27
	Insert after Schedule 5.7[6]—	28
<b>[6A]</b>	<b>Section 30A</b>	29
	Insert after section 30—	30
	<b>30A Victims support where act is both act of violence and modern slavery</b>	31
	To avoid doubt, if an act is both an act of violence and an act of modern slavery a victim is eligible once for support under the Scheme in relation to the act.	32 33 34
<b>[58]</b>	<b>Schedule 5.7[9A] and [9B]</b>	35
	Insert after Schedule 5.7[9]—	36
<b>[9A]</b>	<b>Sections 34, 35, 36 and 40(5)</b>	37
	Insert “or act of modern slavery” after “act of violence” wherever occurring.	38



<b>[9B] Sections 36(2) and 37(a)</b>	1
Insert “or acts of modern slavery” after “acts of violence” wherever occurring.	2
<b>[59] Schedule 5.7[15A]</b>	3
Insert after Schedule 5.7[15]—	4
<b>[15A] Section 46 Persons to whom financial support or recognition payment may be made</b>	5
Insert “or act of modern slavery” after “act of violence” in section 46(2).	6
<b>[60] Schedule 5.7[18]</b>	7
Omit the item.	8
	9