

c2021-171C
GRNS--The Greens

LEGISLATIVE COUNCIL

Modern Slavery Amendment Bill 2021

First print

Proposed amendments

No. 1 **Seasonal workers**

Page 3, Schedule 1. Insert after line 32—

[11A] Section 9(1)(g1)

Insert after section 9(1)(g)—

- (g1) to investigate and report on issues relating to the employment and use of seasonal workers in the State, including whether there are reasonable grounds to suspect any practices involving the use of seasonal workers constitute modern slavery,

No. 2 **Power to require provision of documents and information**

Page 7, Schedule 1[34]. Insert after line 16—

37 Power to require provision of documents and information

- (1) The Commissioner may exercise a function under this section only if the Commissioner has reasonable grounds to suspect that practices involving the use of seasonal workers that constitute modern slavery have or are occurring.
- (2) The Commissioner may, by written notice given to a person, require the person—
 - (a) to provide information the Commissioner reasonably requires for the authorised purpose, or
 - (b) to produce to the Commissioner, at the place and time specified in the notice, any document the Commissioner reasonably requires for the authorised purpose, or
 - (c) to answer questions about any matters in respect of which information is reasonably required for the authorised purpose, or
 - (d) to attend at a specified place and time to answer questions under this section if attendance at that place is reasonably required in order that the questions can be properly put and answered.
- (3) The place and time at which a person may be required to produce a document, or to attend and answer questions, is to be a place and time nominated by the Commissioner that is reasonable in the circumstances.

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- (4) A notice under this section that requires a person to produce a document may only require a person to produce existing documents that are in the person's possession or that are within the person's power to obtain lawfully.
 - (5) The Commissioner may take copies of any documents provided under this section.
 - (6) If the Commissioner has reason to believe that any documents provided under this section are evidence of an offence against this Act or the regulations, the Commissioner may retain the documents until proceedings for the offence have been heard and determined.
 - (7) A person who, without reasonable excuse, fails to comply with a requirement made of the person under this section is guilty of an offence.
Maximum penalty—200 penalty units.
 - (8) A person who provides any document or information, or answers any question, in purported compliance with a requirement made under this section, knowing that the document, information or answer is false or misleading in a material particular, is guilty of an offence.
Maximum penalty—400 penalty units or imprisonment for 2 years, or both.
 - (9) In this section, the *authorised purpose* is the purpose of carrying out the Commissioner's functions under section 9(1)(g1).