



PARLIAMENT OF NEW SOUTH WALES

MODERN SLAVERY COMMITTEE

Review of the *Modern Slavery Act 2018* — Part 2



Report 3

December 2024

www.parliament.nsw.gov.au

Modern Slavery Committee

Review of the *Modern Slavery Act 2018* – Part 2

Ordered to be printed 20 December 2024 according to
Schedule 1, clause 5 of the *Modern Slavery Act 2018*

New South Wales. Parliament. Legislative Council. Modern Slavery Committee. Report no.3.

Review of the *Modern Slavery Act 2018*

"December 2024"

Chair: Dr Joe McGirr MP



A catalogue record for this
book is available from the
National Library of Australia

ISBN: 978-1-922960-79-5

Table of contents

	Terms of reference	v
	Committee details	vi
	Chair's foreword	vii
	Recommendations	ix
	Conduct of inquiry	xiii
Chapter 1	Background	1
	Overview of the review	1
	Part 1 of the review	1
	Part 2 of the review	2
	Committee comment	3
Chapter 2	Strengthening efforts to combat modern slavery in New South Wales	5
	The Office of the Anti-slavery Commissioner	5
	Detecting and exposing modern slavery	5
	Cooperation and interaction with government and non-government stakeholders	9
	Education, training and raising community awareness	10
	Funding and independence of the Anti-slavery Commissioner's office	14
	Tabling of the Anti-slavery Commissioner's annual and other reports	15
	Compliance and enforcement mechanisms	15
	Reporting and auditing mechanisms	15
	Modern slavery offences	18
	Enforcement of modern slavery provisions in contracts	19
	Adequately resourcing compliance obligations	20
	Centring lived experience expertise	20
	Victim-survivors' rights and supports	23
	Amendments to the <i>Victims Rights and Support Act 2013</i>	23
	Access to critical services for victim-survivors of modern slavery	25
	Cooperation and harmonisation between jurisdictions	27
	Further review of the Act	28
	Committee comment	28
Appendix 1	Submissions	39
Appendix 2	Witnesses at hearings	40

Appendix 3 Minutes

42

Terms of reference

1. That, in accordance with section 36 of the Modern Slavery Act 2018 (the Act), the Modern Slavery Committee:
 - (a) is to review and determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives, and
 - (b) while undertaking the review, investigate any other related matter the Committee considers appropriate
 - (c) must report to both Houses of Parliament on the outcome of the review and any related investigations within 24 months of the commencement of the Act.
2. In accordance with section 22(2) of the Act, the committee does not have the authority to investigate a matter relating to particular conduct.

Committee details

Committee members

Dr Joe McGirr MP	Independent	<i>Chair</i>
Ms Jenny Leong MP	The Greens	<i>Deputy Chair</i>
Mrs Tina Ayyad MP	Liberal Party	
Hon Robert Borsak MLC	Shooters, Fishers and Farmers Party	
Hon Greg Donnelly MLC	Australian Labor Party	
Hon Dr Sarah Kaine MLC	Australian Labor Party	
Hon Aileen MacDonald MLC	Liberal Party	
Ms Lynda Voltz MP	Australian Labor Party	

Contact details

Website	www.parliament.nsw.gov.au/committees
Email	Modern.Slavery@parliament.nsw.gov.au
Telephone	(02) 9230 2276

Secretariat

Lauren Evans, Principal Council Officer

Emily Whittingstall, Senior Council Officer

Katie Pollock, Administration Officer

Shaza Barbar, Director

Chair's foreword

This statutory review of the Modern Slavery Act 2018 (the Act) marks a significant milestone for the Modern Slavery Committee. It was the first opportunity to examine the Act since its commencement in 2022 and engage directly with individuals with lived experience of modern slavery that the Act is designed to support.

Over the course of the review, it became clear that the views of individuals with lived experience of modern slavery needed to be central to the work of the committee and the broader response to modern slavery. The committee's first report, tabled in December 2023, recommended that the committee continue its review to hear from individuals with lived experience.

In 2024, the committee resolved to continue its review for this purpose, hearing from a number of individuals with lived experience of various forms of modern slavery, such as forced labour, sexual servitude, debt bondage, deceptive recruitment and forced marriage. In speaking with these individuals, the committee gained a deeper insight into the realities of modern slavery including its impact and the challenges that many face in coming forward, accessing support and seeking justice. Their testimony was invaluable to the committee's review and played a significant role in shaping our recommendations to the NSW Government.

The Act plays a crucial role in the efforts to combat modern slavery in New South Wales, in particular as it establishes the role of the NSW Anti-slavery Commissioner. In this regard, I commend the NSW Anti-slavery Commissioner, Dr James Cockayne and the ongoing work of his office to implement his statutory functions. It is evident that in the short time since the Commissioner's appointment, his office has taken a very active role in raising awareness, detecting and exposing modern slavery, providing training and guidance, and centring lived experience expertise.

Notwithstanding this important work, we heard from many about various issues impeding the effectiveness of the Act, the work of the NSW Anti-slavery Commissioner and the broader efforts to combat modern slavery and support victim-survivors. For example, the Act limits the Commissioner's ability to detect and expose modern slavery and more training is required for government and non-government frontline organisations on how to identify and respond to victim-survivors. In addition, there are significant barriers to accessing modern slavery-specific support services and lived experience expertise needs to be central to the response to modern slavery.

The committee therefore made 12 recommendations to the NSW Government that we believe will go a long way in strengthening the Act's ability to prevent, detect and expose modern slavery. In particular, we recommend that the NSW Government seek to amend the Act to strengthen the Commissioner's information gathering and sanctioning powers, centre lived experience expertise and ensure that the Commissioner is adequately resourced to perform his statutory functions.

We have also made a number of other recommendations about the broader response to modern slavery, including that the NSW Government seek to amend the Victims Rights and Supports Act 2013 to improve access to support services for victim-survivors and provide mandatory training to government and non-government frontline organisations to identify and respond appropriately to potential victim-survivors.

Given the infancy of the Act, the report also makes an important recommendation to allow the committee to continue to scrutinise the Act and the broader response to modern slavery once every Parliament. It is hoped that future reviews, along with other inquiries by the committee, will provide for the continued improvement of the Act and efforts to combat modern slavery.

On behalf of the committee, I extend my deepest gratitude to all who contributed to the review, in particular the individuals who shared their experience of modern slavery. We recognise their strength and bravery in sharing their experience.

I thank my fellow committee members for their commitment to engaging with individuals with lived experience in a trauma-informed way. I note their efforts to carefully consider and develop strategies in this regard. This work is important and an area that we are committed to continuing to learn and improve upon. I also thank the committee secretariat for their work and assistance throughout the review.

Dr Joe McGirr MP
Committee Chair

Recommendations

Recommendation 1

30

That the NSW Government explore strengthening the NSW Anti-slavery Commissioner's information gathering and sanctioning powers under the *Modern Slavery Act 2018* as follows:

- (1) where the Commissioner has reasonable grounds to believe that a modern slavery offence has occurred or may be occurring, to:
 - (a) investigate that information with a view to detection and exposure, provision of assistance and support, or referral for criminal investigation of a modern slavery offence
 - (b) direct a person or organisation to provide specified reasonable assistance and cooperation
 - (c) require a person to provide information, records or copies
 - (d) record evidence.
- (2) where an organisation refuses to cooperate with or provide specified reasonable assistance to the Anti-slavery Commissioner, as required under sub-section (1) or under section 14 of the Act, to:
 - (a) invite the person to provide a written explanation of the basis for their non-cooperation within a reasonable time
 - (b) upon receipt of a written explanation under sub-section 2(a), consider that explanation and vary the Commissioner's request or direction for assistance, or repeat the request for cooperation or assistance without variation, and
 - (c) in the event of continued non-cooperation or continued refusal of assistance, direct a person to comply with the request of the Commissioner.
- (3) where the Commissioner has identified significant issues in a Government Sector Finance agency's operations, and the agency has failed to take reasonable steps to address those issues, to:
 - (a) direct the agency to take specific steps to remediate those significant issues; and
 - (b) in the event that the agency does not take those steps within a reasonable time, to refer the matter to the NSW Auditor-General.

Recommendation 2

31

That the NSW Government seek to amend section 14 of the *Modern Slavery Act 2018* to clarify that the provision does not provide the NSW Anti-slavery Commissioner powers to expect cooperation that is inconsistent with existing rights and privileges, including legal professional privilege and public interest immunity.

Recommendation 3

31

That the NSW Government:

- provide mandatory and ongoing training to government and non-government frontline organisations, including housing, education, healthcare, law enforcement and social services, to identify and respond appropriately to potential victim-survivors of modern slavery

- work closely with the NSW Anti-slavery Commissioner to develop this training to ensure that it is survivor-led and trauma-informed.

Recommendation 4**32**

That the NSW Government, on a trial basis, provide the NSW Anti-slavery Commissioner with the ability to present budget proposals through the Attorney General to the Cabinet Office or Expenditure Review Committee of Cabinet.

Recommendation 5**32**

That the NSW Government ensure that the Office of the NSW Anti-slavery Commissioner is adequately resourced to carry out its functions, including any additional functions that arise from this review.

Recommendation 6**32**

That the NSW Government seek to amend the *Modern Slavery Act 2018* to explicitly provide for the NSW Anti-slavery Commissioner's annual and other reports to be tabled out of session or made publicly available immediately after being furnished to the Presiding Officers, as provided for in the original Modern Slavery Bill 2018.

Recommendation 7**33**

That the NSW Government explore the use, scope and efficacy of penalties to reduce the prevalence of modern slavery in New South Wales.

Recommendation 8**34**

That the NSW Government seek to amend the *Modern Slavery Act 2018* by:

- adding a new section 3(ba), as an Object of the Act: 'to promote, facilitate and support the participation of people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new definition in section 5 of 'people with lived experience of modern slavery' to read: 'victims of modern slavery offences and those who have first-hand experience of, but are not the victims of, modern slavery offences'
- adding a new section 8A, 'Advisory Panel' to read:
 - The Commissioner may appoint an Advisory Panel to provide advice and counsel to the Commissioner in the discharge of the Commissioner's functions
 - The Advisory Panel shall include both people with lived experience of modern slavery and other people with expertise and capabilities relevant to the discharge of the Commissioner's functions
- adding a new section 9(1)(ba) under 'General functions of the Commissioner' to read: 'to support the participation of diverse people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new section 9(2)(ba) under 'General functions of the Commissioner' to read: 'the engagement with, and assistance and support to, people with lived experience of modern slavery'
- adding a new section 11(5)(c) stating that the Commissioner's Strategic Plan must address 'strategies for supporting the participation of people with lived experience of modern slavery in efforts to combat modern slavery'

- adding a new section 12(d) under the 'Commissioner's public awareness and advice functions generally' to read: 'to promote the participation of people with lived experience in the design, implementation and evaluation of laws, policies and actions to combat modern slavery'
- adding a new section 15(3) under 'Cooperation with other persons and organisations' to read: 'When possible, the Commissioner shall seek to work in cooperation with people with lived experience'
- adding a new section 19(2)(e) to state that the Commissioner's annual report must include 'a description of the Commissioner's cooperation and engagement with people with lived experience during that year'
- adding a new section 19(2)(f) to state that the Commissioner's annual report must include 'a report from the Commissioner's Advisory Panel on the issues the Panel has discussed and any actions they believe the Government or Parliament should take in relation to meeting the objects of the Act'
- adding a new section 19(3)(d) to state that the Commissioner's annual report is to include a review of 'the extent to which, in taking action to combat modern slavery, the government of NSW has cooperated with people with lived experience of modern slavery'
- adding a new section 22(1)(c) under 'Functions of Committee' to read that a function of the committee is to 'promote the participation of people with lived experience of modern slavery in the deliberations of the Modern Slavery Committee'.

Recommendation 9**35**

That the NSW Government ensure that its broader response to modern slavery, including its policies and support services, integrate lived experience expertise.

Recommendation 10**36**

That the NSW Government seek to amend the *Victim Rights and Supports Act 2013* by:

- amending section 5(1) 'meaning of "victim of crime"' to include specific reference to the definition of modern slavery in sections 5 (1)(a) and (b) of the *Modern Slavery Act 2018*
- amending section 19A(1) 'meaning of 'act of modern slavery"' to read: 'act of modern slavery means an act, *part of an act* or series of related acts including planning of an act or series of related acts committed in, *or partly within*, New South Wales'
- amending section 3 'definitions' to include Commonwealth agencies, departments and law enforcement, such as the Australian Federal Police and the Commonwealth Director of Public Prosecutions, as agencies the Commissioner of Victims Rights may seek information from (therefore changing the scope of section 12 to allow the Commissioner of Victim Rights to compel information from Australian Government agencies in the exercise of their functions under the Act)
- removing the requirement for applicants to demonstrate 'injury' or 'harm' in order to access support or payments
- amending section 40(1) 'time for making, and duration of, applications' for victim support to introduce an exception to the limitation period for claims made by victims of modern slavery
- amending section 42 'consideration of applications' for victim support to include a procedural fairness mechanism that allows applicants for support or recognition payments to be invited to provide further evidence or comments in support of their

applicant when the Victims Services Commissioner is considering dismissing their application.

Recommendation 11**37**

That the NSW Government seek to amend section 19(3) of the *Modern Slavery Act 2018* to require the NSW Anti-slavery Commissioner's annual report to include:

- a review of the government's actions during the year to ensure access for victims of modern slavery to safe, culturally appropriate housing, healthcare and other essential services.
- details of mandatory and other training undertaken by government and non-government frontline organisations.

Recommendation 12**37**

That the NSW Government seek to amend the *Modern Slavery Act 2018* to require the Modern Slavery Committee to undertake a review of the Act once per parliamentary term to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.

Conduct of inquiry

The committee commenced its review of the *Modern Slavery Act 2018* on 3 August 2023. The committee received 18 submissions and held two public hearings at Parliament House in Sydney. On 19 December 2023, the committee tabled its report for part 1 of the review.

On 29 April 2024, the committee resolved to continue its review to hear from individuals with lived experience of modern slavery. For part 2 of the review, the committee received one submission and held one public hearing at Parliament House in Sydney on 1 November 2024. In October and November 2024, the committee met with other individuals with lived experience of modern slavery on a confidential basis.

Inquiry related documents for part 1 and 2 of the review are available on the committee's website, including submissions and hearing transcripts.

Procedural issues

For this part of the review, the committee heard from several individuals with lived experience *in camera*. The committee sought each individual's preference to speak with the committee in either a confidential or public setting. Under the *Modern Slavery Act 2018*, the committee must consent to requests from witnesses to appear *in camera*. The content of this evidence has been described in a general way throughout this report so as not to identify individuals.

Chapter 1 Background

This chapter provides a brief overview of the committee's statutory review and sets out the finding and recommendations of the committee's first report that the committee engage with individuals with lived experience before making recommendations about the *Modern Slavery Act 2018*. It then sets out the committee's approach to part 2 of the review, including how individuals with lived experience engaged with the committee, the key issues they raised and their views on whether changes are necessary to strengthen the efforts to combat modern slavery.

Overview of the review

- 1.1 The Modern Slavery Committee was required to undertake and report on a review of the *Modern Slavery Act 2018* (the Act) within 24 months from the commencement of the Act.¹ In August 2023, the committee commenced its review of the Act.
- 1.2 The legislation required the committee to:
 - a. review the 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, and
 - b. while undertaking the review, investigate any other related matter the Committee considers appropriate.²
- 1.3 The committee conducted its review in two parts, as outlined below.

Part 1 of the review

- 1.4 In part 1 of the review, the committee gathered evidence from the Anti-slavery Commissioner, government agencies and other peak bodies and organisations about whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.
- 1.5 On 19 December 2023, the committee tabled its first report. The report provided background on the legislative framework for modern slavery under state and Commonwealth legislation as well as a summary of relevant reviews and inquiries held previously. The report also examined various issues relating to the provisions of the Act, including:
 - the functions of the Office of the Anti-slavery Commissioner
 - compliance and enforcement mechanisms
 - the importance of centring people with lived experience expertise of modern slavery
 - victims' rights and supports
 - opportunities for harmonisation between jurisdictions

¹ *Modern Slavery Act 2018*, s 36(2).

² *Modern Slavery Act 2018*, s 36(1).

- the need for further statutory reviews of the Act in the future.

- 1.6 The committee made one finding and two recommendations. Namely, the committee found that it needed to involve people with lived experience expertise in its review of the Act before making further recommendations.³
- 1.7 The committee noted that there was limited time available to the committee to conduct this consultation before finalising the first report. Subsequently, the committee recommended that it continue to review the *Modern Slavery Act 2018* in the following six months to seek evidence from people with lived experience expertise and consider the evidence already received.⁴
- 1.8 Additionally, the committee recommended that the NSW Government seek to amend the Act to explicitly provide for the Anti-slavery Commissioner's annual and other reports to be tabled out of session or made publicly available immediately after being furnished to the Presiding Officers.⁵
- 1.9 The NSW Government and Anti-slavery Commissioner responded to the report. The NSW Government recognised the importance of and the need for consultation with people with lived experience, acknowledging the committee's recommendation to continue its review for this purpose. The NSW Government noted that consideration of the recommendation regarding the Anti-slavery Commissioner's tabling provisions will be considered alongside any further recommendations made by the committee in its final report.⁶
- 1.10 Similarly, the Anti-slavery Commissioner, Dr James Cockayne, welcomed the committee's emphasis on the importance of and need for consultation with people with lived experience of modern slavery in considering changes to the Act. The Anti-slavery Commissioner also responded to some of the evidence discussed in the first report. This response will be examined in Chapter 2.⁷

Part 2 of the review

- 1.11 In April 2024, the committee resolved to continue its review of the Act to seek input from individuals with lived experience of modern slavery about whether there are any changes required to improve the Act and the broader government response to modern slavery.

³ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 42-43.

⁴ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 42.

⁵ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 43.

⁶ Correspondence from the Hon Michael Daley MP, Attorney General to the Clerk of the Parliaments, providing government response to the review of the Modern Slavery Act 2018, received 27 February 2024.

⁷ NSW Anti-slavery Commissioner, 'Report pursuant to section 22(3) of the Modern Slavery Act 2018 (NSW) in response to Report no. 1 of the New South Wales Parliament Joint Modern Slavery Committee, "Review of the Modern Slavery Act 2018", December 2023', March 2024, p 2.

- 1.12 In November 2024, the committee met with individuals with lived experience of modern slavery in public and confidential sessions. The purpose of these hearings was to consult and engage with the individuals the Act is designed to support before making further recommendations.
- 1.13 The committee spoke to individuals who had experienced different forms of modern slavery, including forced marriage, sexual servitude, debt bondage, deceptive recruitment, and forced labour. Each individual shared their experience with modern slavery, including:
- its short- and long-term impact
 - the challenges impeding their ability to recognise and report their situation
 - the difficulties they have faced accessing support before, during and after their escape from modern slavery.
- 1.14 To strengthen the efforts to combat modern slavery in New South Wales, individuals advocated for various changes to the Act and the broader response to modern slavery. In summary, individuals suggested:
- amendments to strengthen the functions of the Anti-slavery Commissioner, in particular his powers to detect and expose modern slavery.
 - improvements to the provision of education, training and awareness raising to frontline organisations
 - improvements to the provision of, and access to, support services.
- 1.15 These suggestions will be examined in detail in Chapter 2.

Structure of this report

- 1.16 The next chapter follows the same structure as Chapter 2 of the first report. Each section begins with a summary of evidence discussed in the first report, examines the views of individuals with lived experience of modern slavery who contributed to the review, incorporates evidence received from stakeholders after the first report, and makes recommendations based on the evidence received in both parts of the review.
- 1.17 For this reason, this report should be read in conjunction with the committee's first report.

Committee comment

- 1.18 As the first committee in the world dedicated to strengthening and advocating for legislative and policy changes to combat modern slavery, the committee recognises that this review is an important mechanism to ensure the *Modern Slavery Act 2018* and other related legislation respond appropriately and effectively.
- 1.19 The committee extends its gratitude to inquiry participants who contributed their time and expertise to the review, including individuals with lived experience, the NSW Anti-slavery Commissioner, government agencies and other key organisations and bodies.
- 1.20 The committee particularly thanks the individuals with lived experience who contributed to the review. The committee recognises the strength and bravery of the individuals who shared their

experience and how it has impacted them. Their testimony was compelling and powerful, emphasising the significant role lived experience expertise plays in shaping government and non-government responses to modern slavery.

- 1.21** From the diverse contributions of these individuals, the committee gained an insight into the complexities of modern slavery, beyond what government stakeholders, organisations and peak bodies alone could convey. The engagement of individuals with lived experience has been essential to the committee's review. Seeing firsthand the value of this engagement, the committee believes that lived experience expertise should also form a cornerstone of the government's broader policy and legislative response to modern slavery. Recommendations to this effect are made in the following chapter.

Chapter 2 Strengthening efforts to combat modern slavery in New South Wales

This chapter examines ways to strengthen efforts to combat modern slavery in New South Wales, in particular through amendments to the *Modern Slavery Act 2018*. It begins by analysing provisions of the Act relating to the Office of the Anti-slavery Commissioner and whether amendments are needed to enhance the Commissioner's ability to fulfil the Act's objectives. The chapter then examines the challenges and effectiveness of the Act's compliance and enforcement mechanisms. Finally, it addresses other key issues raised by stakeholders, including the importance of centring lived experience expertise in the government's response to modern slavery, the barriers victim-survivors face in accessing support, cooperation between jurisdictions, and the need for a further review of the Act.

This chapter should be read in conjunction with the committee's first report. Each section below provides a summary of the evidence examined in part 1 of the review, and where relevant, incorporates insights from individuals with lived experience expertise and refers to evidence received from other stakeholders following the committee's first report.

The Office of the Anti-slavery Commissioner

2.1 Central to the review was inquiry participants' views on the objects and other provisions of the *Modern Slavery Act 2018* (the Act) relating to the role of the Anti-slavery Commissioner (the Commissioner), including:

- detecting and exposing modern slavery, including through a forthcoming hotline to be run by the Commissioner's office
- cooperation and interaction with other government and non-government organisations
- education and training to government and non-government sectors
- funding and independence of the Commissioner's office
- publication of the Commissioner's annual report.

2.2 The following section summarises this evidence and examines the perspectives of individuals with lived experience of modern slavery who provided public and confidential testimony. This includes testimony about the barriers to reporting modern slavery, gaps in education and training among frontline organisations and recommendations to enhance the efforts of the Anti-slavery Commissioner, as well as government and non-government organisations, to achieve the Act's objectives.

Detecting and exposing modern slavery

2.3 An object of the Act is 'to provide for the detection and exposure of modern slavery that may have occurred or be occurring or that is likely to occur'.⁸ In part 1 of the review, inquiry participants discussed this object in relation to the Commissioner's existing functions, powers and resources under the Act.

⁸ *Modern Slavery Act 2018*, s 3(d).

- 2.4** The Commissioner advised that with only around 120 to 230 cases out of a possible 16,400 cases being reported each year, there is reason to believe that 80 to 98 per cent of victim-survivors in NSW may remain unidentified, unassisted and unsupported.⁹
- 2.5** The Act relies on two channels for the detection and exposure of modern slavery – reporting by victim-survivors, and existing law enforcement and other frontline workers developing capabilities to identify victim-survivors. The Commissioner identified challenges with these channels. For example, victim-survivors often do not report due to intimidation, fear of retaliation and re-traumatisation and that despite efforts underway to improve the capabilities of the NSW Police and healthcare sector, it will take considerable time to achieve its effect.¹⁰
- 2.6** Several individuals with lived experience of modern slavery who gave testimony confidentially, described their personal challenges in coming forward. Some reiterated the Commissioner's evidence that victims do not report due to intimidation, fear of retaliation and re-traumatisation
- 2.7** Mr Moe Turaga, an individual who experienced labour exploitation and debt bondage, and Expert Adviser, Domus 8.7 modern slavery remediation service, informed the committee about the social costs of speaking out that contribute to an individual's decision to not share their experience:
- There is a cost to speaking out. When I started speaking out, I was excommunicated by one side of my family. For others, the cost is more serious. Some get threatened with violence towards themselves, or their families, or assaulted by the perpetrators. It is not my experience, but it is for others. It's another reason not many people will talk about their lived experience.¹¹
- 2.8** In addition, some individuals who gave confidential testimony shared that they had not recognised their situation as modern slavery, and in some instances neither did the frontline workers they approached, creating a further barrier to its detection and exposure.
- 2.9** Further, the Commissioner expressed the view that while the object of the Act remains valid, his role's lack of investigatory powers impacts his practical ability to detect and expose modern slavery and to directly address the gap in reporting cases of modern slavery. To this issue, the Commissioner pointed to other statutory officers with some detection and exposure powers, such as the NSW Building Commissioner, who has the ability to inspect premises and gather information relating to building defects. He called for the committee to consider expanding his powers in a similar way and recommended the following amendments to the Act:

- (1) where the Commissioner has reasonable grounds to believe that a modern slavery offence has occurred or may be occurring, to:

⁹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 11. See also, Submission 8, NSW Anti-slavery Commissioner, p 14.

¹⁰ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 12. See also, Evidence, Dr James Cockayne, NSW Anti-slavery Commissioner, 30 October 2023, p 5.

¹¹ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 1 November 2024, p 5.

- (a) investigate that information with a view to detection and exposure, provision of assistance and support, or referral for criminal investigation of a modern slavery offence,
 - (b) direct a person or organisation to provide specified reasonable assistance and cooperation,
 - (c) record evidence,
 - (d) enter premises for the purpose of detecting and exposing a modern slavery offence,
 - (e) search and inspect premises, and speak with any person on that premises,
 - (f) speak with any person, and direct any person to answer questions,
 - (g) seize things connected to a modern slavery offence.
- (2) where an organisation refuses to cooperate with or provide specified reasonable assistance to the Anti-slavery Commissioner, as required under sub-section (1) or under section 14 of the Act, to:
- (a) invite the person to provide a written explanation of the basis for their non-cooperation within a reasonable time,
 - (b) upon receipt of a written explanation under sub-section 2(a), consider that explanation and vary the Commissioner's request or direction for assistance, or repeat the request for cooperation or assistance without variation, and
 - (c) in the event of continued non-cooperation or continued refusal of assistance, direct a person to comply with the request of the Commissioner.
- (3) where the Commissioner has identified significant issues in a Government Sector Finance agency's operations, and the agency has failed to take reasonable steps to address those issues, to:
- (a) direct the agency to take specific steps to remediate those significant issues; and
 - (b) in the event that the agency does not take those steps within a reasonable time, to refer the matter to the NSW Auditor-General.¹²

2.10 In response to the call to strengthen the investigatory and detection powers of the Commissioner, the NSW Bar Association commented that consideration needs to be given to how the Commissioner and his office would maintain the trust and confidentiality of victim-survivors.¹³

¹² Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 14-15. See also, Answers to questions on notice, Dr James Cockayne, NSW Anti-slavery Commissioner, 27 November 2023, pp 7-8; Evidence, Dr Cockayne, 30 October 2023, p 9.

¹³ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 15. See also, Answers to questions on notice, NSW Bar Association, 29 November 2023, pp 5-6.

- 2.11** In correspondence to the committee on 30 October 2024, the Commissioner drew the committee's attention to recommendation 4 of his 2023-2024 Annual Report, reiterating his call to expand his powers. He recommended that the NSW Parliament:
- Amend the *Modern Slavery Act 2018* to give the Anti-slavery Commissioner limited inspection rights modelled on those of the Building Commissioner or a local council.¹⁴
- 2.12** The Commissioner referred to discussion in the Annual Report about how the lack of investigative powers constrains his 'ability to gather and develop information in ways that would support objects of the Act, including effective detection, prosecution, investigation and other activities to combat modern slavery'.¹⁵
- 2.13** The Commissioner acknowledged that it may be 'unfeasible at this stage' for his role to be given a formal investigative role. However, he asserted that the addition of limited inspection powers, similar to the NSW Building Commissioner or local councils, would improve his ability to 'prepare information and referrals for investigative, law enforcement and regulatory authorities that will lead to effective accountability and sanction, thereby improving deterrence and strengthening prevention'.¹⁶
- 2.14** In confidential testimony, some individuals with lived experience of modern slavery supported the Commissioner's calls for expanding his detection and exposion functions under the Act, namely the inclusion of investigation powers. One individual argued that the Commissioner's lack of investigation powers may limit a victim-survivor's ability to remedy their situation and leave them without any avenue to do so.
- 2.15** In addition to evidence about the Commissioner's role, individuals with lived experience raised broader issues related to the Act's mechanisms for detecting and exposing modern slavery. For example,
- there is a need for a proactive approach to ensure the Act's objectives are met and to improve the visibility of victim-survivors to law enforcement and other critical services.
- 2.16** Linked to these discussions, many individuals with lived experience of modern slavery who gave confidential testimony explained that it was not until some time had passed that they were able to recognise their situation as one of modern slavery.
- 2.17** It was highlighted that this lack of awareness represents a significant gap in the prevention, detection and exposure of modern slavery. Some suggestions on how the NSW Government and other support services could address this gap included utilising technology to raise awareness and implementing education and awareness campaigns that instill the concepts of autonomy and agency.

¹⁴ Correspondence from Dr James Cockayne, Anti-slavery Commissioner, to Chair, 30 October 2024, pp 1-2. See also, NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p 14.

¹⁵ Correspondence from Dr James Cockayne, Anti-slavery Commissioner, to Chair, 30 October 2024, p 2.

¹⁶ Correspondence from Dr James Cockayne, Anti-slavery Commissioner, to Chair, 30 October 2024, p 2.

Establishment of a hotline

- 2.18** Section 12(d) of the Act requires the Commissioner to establish and maintain a hotline (or utilise a hotline maintained by another person or body) to provide advice and assistance to children and other persons who are, or may be, victims of modern slavery.¹⁷
- 2.19** At the time of the committee's first hearing in October 2023, work was underway by the Office of the Anti-slavery Commissioner to establish the hotline.¹⁸ Progress on the establishment hotline was detailed in the Commissioner's 2023-2024 Annual Report as follows.
- In the 2024 financial year, a pilot hotline service was established. The hotline service (1800 FREEDOM - 1800 37 33 36) went live in the 2025 financial year.
 - To promote the number, the Commissioner's office partnered with Homes NSW to co-design signage for construction sites that provides information on labour exploitation and guidance on accessing support. The signage, translated into Arabic and Chinese, will be displayed at construction sites across metro and regional NSW, starting from 1 July 2024.
 - Throughout the 2024 financial year, the Commissioner's Office conducted consultation with relevant stakeholders, including with the Commissioner's Lived Experience Practice Lead, to explore both the needs and traits of potential hotline users, and the resourcing needs for development and maintenance of a suitable hotline capability.
 - The Commissioner's office will continue this consultation in the 2025 financial year to develop a business case to put to the NSW Government for further development of the hotline.¹⁹
- 2.20** In the 2023-2024 Annual Report, the Commissioner highlighted the need for additional staff to allow for his office to carry out the statutory functions associated with his role, including the further development of the hotline. Subsequently, he recommended that the NSW Government immediately fund additional staff to ensure future development of the hotline is not limited by his current resourcing allocations.²⁰ Resourcing of the Office of the Anti-slavery Commissioner will be discussed further at paragraphs 2.41-2.45.

Cooperation and interaction with government and non-government stakeholders

- 2.21** Section 14 of the Act requires 'government agencies of the State and persons and bodies that provide services to, or advocate for victims of modern slavery to work in cooperation with the Commissioner in the exercise of their functions'. The duty to cooperate includes the following:

- (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

¹⁷ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 16. See also, Evidence, Mr Ali Mojtahedi, Chair, Law Society Human Rights Committee, Law Society of NSW, 30 October 2023, p 46; Submission 8, NSW Anti-slavery Commissioner, pp 16, 24.

¹⁸ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 16. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 24; Evidence, Dr Cockayne, 30 October 2023, p 7.

¹⁹ NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p 29.

²⁰ NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p 14.

Commissioner or agency with respect to modern slavery and victims of modern slavery,

- (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.²¹

2.22 The Commissioner emphasised that section 14 plays a 'central role' in his functions and underpins collaboration with government and non-government agencies. Stakeholders in the legal field expressed concern regarding confidentiality and privacy about the scope of the provision and, in particular, whether the disclosure of information applied to information subject to legal professional privilege or public interest immunity.²²

2.23 The Commissioner responded that the section does not entitle him to expect cooperation that is inconsistent with existing rights and privileges. While not supportive of amendments to this section, the Commissioner suggested the following possible amendment to the section to clarify its scope:

Nothing in this provision precludes existing rights and privileges, including legal professional privilege and public interest immunity.²³

2.24 In his response to the committee's first report, the Commissioner reiterated his view, stating:

Section 14 of the Act protects and maintains existing rights and privileges ... basic rules of statutory construction make clear that the Act should be read to be consistent with, and protect, these rights and privileges, including legal professional privilege²⁴

Education, training and raising community awareness

2.25 A key function of the Commissioner under section 9 of the Act is to 'provide information, advice, education and training about action to prevent, detect, investigate and prosecute offences involving modern slavery'.²⁵ This section summarises the steps the Commissioner has taken in training, education, and raising awareness, alongside the views of individuals with lived experience, who emphasised the need to enhance education, training, and awareness efforts for individuals impacted by modern slavery and the frontline workers responding to it.

²¹ *Modern Slavery Act 2018*, s 14(2).

²² Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 17. See also, Evidence, Dr Cockayne, 30 October 2023, p 2; Submission 13, Anti-Slavery Australia, pp 7-8; Evidence, Professor Jennifer Burn, Anti-Slavery Australia, 20 November 2023, p 2; Evidence, Mr Mojtahedi, Chair, Law Society Human Rights Committee, Law Society of NSW, 30 October 2023, p 49.

²³ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 18. See also, Correspondence from Dr James Cockayne, NSW Anti-slavery Commissioner, to Chair providing additional information, 27 November 2023, p 2.

²⁴ NSW Anti-slavery Commissioner, 'Report pursuant to section 22(3) of the Modern Slavery Act 2018 (NSW) in response to Report no. 1 of the New South Wales Parliament Joint Modern Slavery Committee, "Review of the Modern Slavery Act 2018", December 2023', March 2024, p 2.

²⁵ *Modern Slavery Act 2018*, s 9(c).

Training and guidance to government agencies, business and frontline organisations

- 2.26** Inquiry participants discussed some of the work commenced by the Commissioner to train and guide government agencies and non-government agencies to identify and manage modern slavery risks, including for example:
- the Commissioner's *Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains* (the Guidance)
 - developing a Code of Practice under s 27 of the Act for the renewable energy sector.²⁶
- 2.27** Inquiry participants acknowledged that there is a need and desire for further training and guidance on identifying and managing modern slavery risks. In particular, guidance on industry-specific risks, training for the private sector, and developing the capabilities of frontline workers to identify victim-survivors of modern slavery.²⁷
- 2.28** Additionally, NSW Treasury noted that provisions for the Commissioner to provide training under the Act do not specifically refer to 'education, training and guidance for identifying and addressing modern slavery risks in supply chains,' particularly for government agencies.²⁸
- 2.29** In response to NSW Treasury's evidence, the Commissioner referred the committee to section 28 of the Act whereby:
- (1) The Commissioner may promote public awareness of and provide advice on steps that can be taken by organisations to remediate or monitor risks of modern slavery taking place in their supply chains, including encouraging organisations to develop their capacity to avoid such risks.
 - (2) Without limiting subsection (1), the Commissioner may make information available to organisations and other persons about matters to consider in relation to employing persons to work in supply chains.²⁹

²⁶ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 19-21. See also, Evidence, Dr Cockayne, 30 October 2023, p 2; NSW Anti-Slavery Commissioner, Foundations for Growth – NSW Anti-slavery Commissioner's Annual Report – Financial Year 2022-2023 (Annual Report, 2022-23), p 33; Correspondence from Dr Cockayne to Chair, 27 November 2023, pp 2-3; Submission 11, NSW Bar Association, pp 4-5; Submission 5, National Retail Association, p 9; Submission 8, Office of the NSW Anti-slavery Commissioner, p 19.

²⁷ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 19-21. See also, Evidence, Dr James Cockayne, NSW Anti-slavery Commissioner, 30 October 2023, p 2; NSW Anti-Slavery Commissioner, Foundations for Growth – NSW Anti-slavery Commissioner's Annual Report – Financial Year 2022-2023 (Annual Report, 2022-23), p 33; Correspondence from Dr Cockayne to Chair, 27 November 2023, pp 2-3; Submission 11, NSW Bar Association, pp 4-5; Submission 5, National Retail Association, p 9; Submission 8, NSW Anti-slavery Commissioner, p 19.

²⁸ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 21. See also, Submission 16, NSW Treasury, p 2.

²⁹ NSW Anti-slavery Commissioner, 'Report pursuant to section 22(3) of the Modern Slavery Act 2018 (NSW) in response to Report no. 1 of the New South Wales Parliament Joint Modern Slavery Committee, "Review of the Modern Slavery Act 2018", December 2023', March 2024, p 2.

- 2.30** Further, the Commissioner advised that his office provides 'ongoing advice, awareness-raising, guidance and training for public entities with modern slavery due diligence and reporting obligations'. He noted that between July 2023 and March 2024, his office provided 40 hours of direct training to more than 2,000 individuals in the private and public sectors. In addition, the Commissioner is working with NSW Procurement to develop online training materials for the 15,000 procurement officers across NSW Government.³⁰
- 2.31** There have been various developments in the Commissioner's training, guidance and education to the anti-slavery sector since the committee heard evidence on this in part 1 of the review. In 2023, the Commissioner introduced the Shared Implementation Framework which included publication of the Guidance, an Inherent Risk Identification Tool, model contracting, and model tender clauses.³¹
- 2.32** In addition, his office worked with stakeholders to advance development of two Codes of Practice, on renewable energy and investing, lending, and asset management. The Commissioner's 2023-2024 Annual Report, noted that the draft Code of Practice for the renewable energy industry will be published in the 2025 financial year and that further consultations on the proposed Code of Practice for investing, lending, and asset management are scheduled for the same year.³²
- 2.33** Notwithstanding this, some individuals with lived experience of modern slavery who gave confidential testimony, explained that the difficulties they faced in accessing critical services was in part due to frontline workers' inadequate training, education and understanding of modern slavery. For some, this gap impacted their ability to escape their situation, to heal from their experience, or for their perpetrator to be held accountable.
- 2.34** One individual suggested that mandatory trauma- and violence-informed training for frontline workers in law enforcement, healthcare and social work on how to identify different forms of modern slavery and respond appropriately and compassionately would work toward closing this gap.
- 2.35** In his 2023-2024 Annual Report, the Commissioner made a similar recommendation to the NSW Government. Specifically, he recommended that the NSW Government form a taskforce and implement mandatory anti-slavery training for frontline workers. The taskforce should consider:
- how frontline workers and their organisations can best be matched with suitable training providers (including people with lived experience)
 - how such training can be sustainably funded, noting that the taskforce should consider not only reliance on central government funding, but also a fee-for-service model, or the creation of a public-private partnership with relevant business entities to fund system upskilling

³⁰ NSW Anti-slavery Commissioner, 'Report pursuant to section 22(3) of the Modern Slavery Act 2018 (NSW) in response to Report no. 1 of the New South Wales Parliament Joint Modern Slavery Committee, "Review of the Modern Slavery Act 2018", December 2023', March 2024, p 2.

³¹ NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p 7 and 44.

³² NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p 7 and 47.

- how such training and accreditation can best be integrated into existing training and accreditation systems for frontline workers.³³

2.36 Further, Mr Turaga, and Domus 8.7 remediation service suggested that for frontline services, the NSW Government should:

- adopt policies and procedures to identify and safely refer potential victims of modern slavery to support and services
- establish an emergency hotline for slavery victims
- fund mainstream welfare services to provide access for people impacted by modern slavery
- provide modern slavery awareness training
- provide cultural diversity training.³⁴

2.37 In confidential testimony, individuals with lived experience of modern slavery advocated for training, education, and awareness raising for frontline organisations, business and government agencies that:

- acknowledges the intersection between modern slavery and other forms of abuse such as domestic and family violence
- acknowledges the tactics perpetrators use to prevent individuals from reporting, such as indoctrination and grooming.

2.38 Moreover, some individuals underscored the need for clear practices and procedures to support service providers, including law enforcement, in responding to the complexities of modern slavery and improving outcomes for victim-survivors. It was noted that such practices and procedures should:

- recognise the various forms of modern slavery and how they manifest
- implement a framework to ensure perpetrators are held accountable
- adopt a holistic approach that considers victim-survivors' broader circumstances, such as family dynamics, financial stability, health needs, and immigration status.

Awareness raising in culturally and linguistically diverse communities

2.39 Inquiry participants, including individuals with lived experience, emphasised the importance of ensuring awareness raising of modern slavery in culturally and linguistically diverse communities is provided in community languages and engages in a way that is sensitive to all interests within specific communities.³⁵

³³ NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p 13.

³⁴ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 1 November 2024, p 6 and Submission 18, Domus 8.7 remediation service, p 4.

³⁵ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 22. See also, Evidence, Ms Lydia Shelly, NSW Council for Civil Liberties, 30 October 2023, p 32; Evidence, Mr Stephen Blanks, NSW Council for Civil Liberties, 30 October 2023, p 32.

- 2.40** The Commissioner informed the committee of the work that his Office had undertaken to ensure communications were available in multiple languages.³⁶

Funding and independence of the Anti-slavery Commissioner's office

- 2.41** The Commissioner outlined his current and proposed budgeting and resourcing arrangements, as at October 2023.
- There are currently 12 full-time equivalent positions supported by the Department of Communities and Justice (DCJ) at Clerk Grade, and none at director-level apart from his position.
 - The Office is allocated less than half a million dollars per year for four years, covering travel, staff welfare, staff professional development and general administrative costs.
 - Modelling presented to DCJ outlined a requirement for 30 staff within 3 years, depending on several factors such as the rate at which modern slavery victim-survivors present for assistance.³⁷
- 2.42** Section 7 of the Act establishes the independence of the Commissioner, specifying that the role is not subject to the control and direction of the responsible Minister in relation to its functions. Notwithstanding this, the Commissioner advised that his office is currently resourced and budgeted through the Department of Communities and Justice.³⁸
- 2.43** The Commissioner explained that his budget proposals compete with other DCJ priorities and that he has no guaranteed access to Treasury or Cabinet Office officials limiting opportunities to advocate for the funding required to implement key projects.³⁹
- 2.44** To maintain the independence of his office as set out in section 7 of the Act, the Commissioner advocated for the inclusion of his office as a Special Office in the state budget papers and Appropriations Bill and the ability for his office to present budget proposals through the Attorney General to the Cabinet Office or the Expenditure Review Committee of Cabinet.⁴⁰
- 2.45** The Commissioner's 2023-2024 Annual Report reiterated the call for his office to be allocated funding in state budget papers. Additionally, the report highlighted the constraints on staff to effectively discharge the Commissioner's statutory functions, noting that despite modelling for

³⁶ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 23. See also, Evidence, Dr James Cockayne, NSW Anti-slavery Commissioner, 30 October 2023, p 4.

³⁷ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 23-24. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p viii, 27

³⁸ *Modern Slavery Act 2018*, s 7; Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 23. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 13.

³⁹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 24. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 28.

⁴⁰ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 24-25. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p ix and 28.

increased staff in the years following his appointment this had not occurred. As such, he called for funding to appoint six additional personnel to his office.⁴¹

Tabling of the Anti-slavery Commissioner's annual and other reports

- 2.46** Section 19(1) of the Act requires the Commissioner to provide an annual and other reports to the Presiding Officers of each House of Parliament.⁴²
- 2.47** In October 2023, the Clerk of the Parliaments and Clerk of the Legislative Assembly advised the committee that the Act does not include any general report provisions for tabling direct to the Presiding Officers, and for the immediate tabling and publication of reports received outside of the sittings. Presiding Officers must therefore table the report on the next sitting day, creating a potential for delay in publication.⁴³
- 2.48** In its first report, the committee recommended that the NSW Government seek to amend the Act to explicitly provide for the Commissioner to table annual and other reports to be tabled out of session or made publicly available immediately after being furnished to the Presiding Officers.⁴⁴
- 2.49** In February 2024, the NSW Government responded to this recommendation, acknowledging that it provides 'greater clarity for when the Commissioner's report may be publicly available and prevents unnecessary delay'. The NSW Government noted that consideration of this recommendation will occur alongside recommendations made in the committee's final report.⁴⁵

Compliance and enforcement mechanisms

- 2.50** The following section examines inquiry participants views on the compliance and enforcement mechanisms available to combat modern slavery, including reporting and auditing mechanisms, modern slavery offences, modern slavery contract provisions and the need to adequately resource compliance obligations.

Reporting and auditing mechanisms

- 2.51** Inquiry participants discussed reporting and auditing mechanisms under the Act, in particular section 26 which requires the Commissioner to maintain a public register. The register can include government agencies that have failed to comply with directions of the NSW Procurement Board, state-owned corporations that have failed to provide a modern slavery

⁴¹ NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p 11 and 14.

⁴² *Modern Slavery Act 2018*, s 19(1).

⁴³ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 25-26.

⁴⁴ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 43.

⁴⁵ Correspondence from the Hon Michael Daley MP, Attorney General to the Clerk of the Parliaments, providing government response to the review of the Modern Slavery Act 2018, received 27 February 2024.

statement to the relevant Commonwealth Minister and other information the Commissioner thinks appropriate.⁴⁶

- 2.52** At the committee's first hearing in October 2023, the Commissioner highlighted that mandatory reporting by government agencies had only recently commenced, with some entities not required to submit their first reports until early 2024.⁴⁷
- 2.53** Inquiry participants questioned the effect of the public register as a deterrent to non-compliance. For example, Dr Martijn Boersma stated that compliance efforts are treated as a box-ticking exercise, rather than an opportunity to take 'meaningful action' on modern slavery risk.⁴⁸
- 2.54** Similarly, Ms Madeleine Bridgett, representing the NSW Bar Association, expressed the view that the register is limited in the information it will display compared to the Commonwealth register which displays information on modern slavery risks submitted by all companies with over \$100 million annual turnover.⁴⁹
- 2.55** Further, Ms Emma Cooper, Acting Director, Procurement Policy, Procurement NSW suggested strengthening the Commissioner's powers beyond placing non-compliant entities on the public register. In doing so, Ms Cooper highlighted that compliance for procurement under the Act is currently tied to the Procurement Board's powers and that the board, composed of departmental and deputy secretaries, might effectively compel its own members to act on modern slavery issues. She was of the view that granting the Commissioner independent powers to compel action could provide a clearer 'delineation of power' from the Procurement Board.⁵⁰
- 2.56** In his response to the committee's first report, the Commissioner stated that the evidence did not 'fully reflect the status quo on reporting in New South Wales', where over 400 public entities now have mandatory modern slavery due diligence and/or reporting obligations.⁵¹
- 2.57** More specifically, the Commissioner responded to Ms Bridgett from the NSW Bar Association, stating that her evidence 'does not accurately reflect my stated intentions for the public register', including that the register will be published in 2024 and comprise of the following schedules:

⁴⁶ *Modern Slavery Act 2018*, s 26.

⁴⁷ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 28. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 19; Evidence, Dr James Cockayne, NSW Anti-slavery Commissioner, 30 October 2023, pp 5-6.

⁴⁸ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 28-29. See also, Evidence, Dr Martijn Boersma, Director, Modern Slavery and Human Trafficking postgraduate programs, University of Notre Dame Australia, 30 October 2023, p 26.

⁴⁹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 25-26. See also, Joint Statutory Committee on Modern Slavery, NSW Parliament, *Erratum to Review of the Modern Slavery Act 2018*, 27 March 2023, p 1; Evidence, Ms Madeleine Bridgett, Member, NSW Bar Association Human Rights Committee, 30 October 2023, p 54.

⁵⁰ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 25-26. See also, Evidence, Ms Cooper, Director, Procurement Policy, Procurement NSW, 30 October 2023, p 21.

⁵¹ NSW Anti-slavery Commissioner, 'Report pursuant to section 22(3) of the Modern Slavery Act 2018 (NSW) in response to Report no. 1 of the New South Wales Parliament Joint Modern Slavery Committee, "Review of the Modern Slavery Act 2018", December 2023', March 2024, pp 3-4.

- non-complying government agencies, including any identified by the Auditor-General under section 38H of the *Government Sector Audit Act 1983* (NSW)
- non-complying State owned corporations.
- other NSW public buyers with modern slavery reporting obligations that are not conforming with the *Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains*.
- annual reporting by covered entities.
- reported heightened modern slavery due diligence procurements.
- codes of practice developed under section 27 of the *Modern Slavery Act 2018* (NSW) Commissioner's compilation.
- Guidance on Reasonable Steps (GRS) High Risk Product List.
- operations and suppliers considered to have significant risk of modern slavery.⁵²

2.58 Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, commended the work of the Anti-slavery Commissioner, and in particular the Guidance which places 'reasonable' reporting and due diligence obligations on entities covered under the Act to ensure the products they procure are not the product of modern slavery.⁵³

2.59 Mr Turaga acknowledged there is a 'long list' of reporting requirements that is 'going to take some time to build maturity in the responses'. He stressed that entities covered under the Act could go beyond what is currently deemed 'reasonable', highlighting additional measures such as conducting social audits, onboarding to suppliers to ethical sourcing platforms, and remedy planning.⁵⁴

2.60 In response to questions about the effectiveness of reporting as opposed to due diligence and accountability measures for covered entities, Mr Turaga stated that this is 'an issue that NSW regulators need to monitor closely and consider as part of your schedule of regular legislation reviews'.⁵⁵

2.61 Mr Turaga reflected on whether reporting mechanisms can be strengthened under the Act through penalties or directions from oversight bodies to correct their statement:

Personally, I don't have a view one way or the other on how effective such measures might be. Organisations who don't comply or comply poorly with reporting guidelines are already at risk of being identified by their statements published on the public register.

⁵² NSW Anti-slavery Commissioner, 'Report pursuant to section 22(3) of the Modern Slavery Act 2018 (NSW) in response to Report no. 1 of the New South Wales Parliament Joint Modern Slavery Committee, "Review of the Modern Slavery Act 2018", December 2023', March 2024, p 4.

⁵³ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 1 November 2024, p 6.

⁵⁴ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service,, 1 November 2024, p 6.

⁵⁵ Answer to question on notice, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 20 November 2024.

Ultimately, I want organisations to engage in reporting because it's easy, it's effective, and because it is the right thing to do, not just because it protects their public image.⁵⁶

Modern slavery offences

- 2.62** Inquiry participants highlighted that enforcement of modern slavery offences remains variable, and that investigation and prosecution of modern slavery offences is difficult due to the lack of visibility of, and reporting by, victim-survivors.⁵⁷
- 2.63** Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, argued that for workers on a visa being exploited and abused at work, NSW Police are more concerned with their visa status rather than whether they are a potential victim of crime:
- I have not heard of any worker seeking or getting assistance from the New South Wales police. Migrant workers who are being exploited or abused at work are not viewed as potential victims of crime. The New South Wales police—they only seem interested in a migrant worker's visa status.⁵⁸
- 2.64** In Mr Turaga's view, NSW Police appear to lack knowledge and understanding of modern slavery and human trafficking as set out in sections 270 and 271 of the Australian Criminal Code.⁵⁹
- 2.65** The committee also heard general evidence from a range of stakeholders on the concerns about reporting to law enforcement agencies, particularly in relation to the intersection with visa issues, and the need for a trauma-informed approach.⁶⁰
- 2.66** Inquiry participants recommended various amendments to either expand modern slavery offences under the Act or strengthen mechanisms that deter non-compliance.
- The NSW Bar Association suggested expanding schedule 2 of the Act to include references to modern slavery offences in other states and territories.⁶¹

⁵⁶ Answer to question on notice, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 20 November 2024.

⁵⁷ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 31-32. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 20; Submission 11 NSW Bar Association, p 9; Evidence, Ms Madeleine Bridgett, Member, NSW Bar Association Human Rights Committee, 30 October 2023, p 52.

⁵⁸ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 1 November 2024, p 5.

⁵⁹ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 1 November 2024, p 5.

⁶⁰ See for example: Evidence, Dr Martijn Boersma, Director, Modern Slavery and Human Trafficking postgraduate programs, University of Notre Dame Australia, 30 October 2023, p 25; Submission 8, Office of the NSW Anti-slavery Commissioner, p 14; Submission 13, Anti-slavery Australia, p 5; Evidence, Mr Conrad Townson, Principal Advisor, Child Exploitation, Project Paradigm - Integrated Family and Youth Service, 30 October 2023, p 42.

⁶¹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 31-32. See also, Evidence, Mr Simeon Beckett SC, Chair, NSW Bar Association Human Rights Committee, p 53.

- The SlaveCheck Foundation suggested introducing penalties for non-compliance with the Act.⁶²
- The Law Society of NSW suggested introducing reporting requirements for businesses in New South Wales with \$50 million or more annual turnover if the Australian Government does not amend the Commonwealth Act, as recommended by the Federal Government's 2023 statutory review.⁶³
- Project Paradigm suggested introducing a specific offence for 'child sexual exploitation' in schedule 2 of the Act.⁶⁴

Enforcement of modern slavery provisions in contracts

- 2.67** Inquiry participants raised the use of contractual mechanisms on modern slavery as a potential avenue of enforcement under the Act.⁶⁵
- 2.68** The NSW Council for Civil Liberties questioned whether the inclusion of modern slavery clauses in government contracts has a 'practical impact', calling for a public register of entities and persons who have been convicted of modern slavery offences to allow for these contractual mechanisms to be 'workable'.⁶⁶
- 2.69** To this issue, the Commissioner referred to the Guidance and the NSW Government's Model Contract Clauses, which place an emphasis of the use of contractual mechanisms to address modern slavery risks and reflect a 'shared responsibility approach'.⁶⁷

⁶² Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 31-32. See also, evidence, Mr Paul Green, Chairman, The SlaveCheck Foundation, 30 October 2023, p 36.

⁶³ Australian Government, Attorney-General's Department, Report of the statutory review of the Modern Slavery Act 2018 (Cth), p 109. Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 31-32. See also, Submission 3, Law Society of NSW, pp 3-4.

⁶⁴ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 31-32. See also, Evidence, Mr Conrad Townson, Project Paradigm – Integrated Family and Youth Service, 30 October 2023, p 40; Correspondence from Project Paradigm, 10 October 2024, p 1.

⁶⁵ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 32. See also, Evidence, Ms Emma Cooper, Director, Procurement Policy, Procurement NSW, 30 October 2023, p 18; Evidence, Mr Stephen Blanks, Past President, NSW Council for Civil Liberties, 30 October 2023, p 30.

⁶⁶ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 32. See also, Evidence, Mr Stephen Blanks, Past President, NSW Council for Civil Liberties, NSW Council for Civil Liberties, 30 October 2023, p 30

⁶⁷ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 32. See also, Correspondence from Dr James Cockayne, NSW Anti-slavery Commissioner to Chair, 27 November 2023, p 3.

Adequately resourcing compliance obligations

- 2.70** Finally, the committee examined the impact of compliance on government and business. Referring to the Guidance, Procurement NSW stated there is a potential for greater due diligence requirements on government agencies compared to businesses. Procurement NSW noted that management of procurement risks should be balanced effectively against primary service delivery, organisational priorities and other resourcing requirements.⁶⁸
- 2.71** Along with assisting government agencies to report under the Act, the Small Business Commissioner stated that some small businesses may experience an additional compliance burden as larger entities with greater negotiating power may be encouraged to 'pass on' their responsibilities.⁶⁹
- 2.72** The Anti-slavery Commissioner responded generally to the concerns that the Act creates a compliance burden. He noted that the Act is a 'change mandate' designed to change the narrative around combatting modern slavery and that in its infancy, different stakeholders are still reacting to the steps they are required to take.⁷⁰
- 2.73** Additionally, the Anti-slavery Commissioner stated that the committee should consider ways to ensure adequate resourcing for NSW Government agencies to comply with their obligations under the Act.⁷¹

Centring lived experience expertise

- 2.74** In part 1 of the review, inquiry participants stressed the importance of centring people with lived experience of modern slavery in the government's response to modern slavery. For example, Freedom Hub submitted that survivors are the 'key stakeholder in the government's modern slavery response' with their lived experience 'vital for the evolution and accountability of Australia's policy response'.⁷²
- 2.75** The Commissioner provided examples of how his office has been centring people with lived experience including the establishment of an Advisory Panel, comprised of over 20 per cent of people who have declared lived experience of modern slavery. He also highlighted the work underway by other collaborative bodies in the anti-slavery sector to integrate the voices of victim-survivors, such as the Trafficking Response Network and NSW Forced Marriage Network, co-convened by the Australian Red Cross and Anti-slavery Australia.⁷³

⁶⁸ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 33. See also, Submission 16, Procurement NSW, p 3.

⁶⁹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 33. See also, Submission 9, NSW Small Business Commissioner, pp 1-2.

⁷⁰ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 34. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 29.

⁷¹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 33. See also, Submission 10, The Freedom Hub, p 4. S

⁷² Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 34-35. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, pp 17-18.

⁷³ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 34.

- 2.76** Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, commended the work of the Commissioner and expressed that while healing from his experience of modern slavery he 'got a lot of energy from the survivors' he met through his involvement with the Commissioner's Advisory Panel'.⁷⁴
- 2.77** Mr Turaga was encouraged to see the inclusion of victim-survivors in remedy planning, noting the work he is doing with a number of organisations to share his lived experience and 'advocate for measures to help people to safety and recover from the impact of modern slavery'.⁷⁵
- 2.78** Going forward, Mr Turaga urged the NSW Government to 'put people with lived experience at the centre' of its modern slavery response, and 'prioritise the sectors where there's the highest risk'.⁷⁶
- 2.79** Individuals with lived experience of modern slavery who gave confidential testimony shared similar views. In particular, there was support for the continued integration of lived experience expertise into the government's response to modern slavery akin to what has been occurring in the domestic and family violence sector for some time.
- 2.80** In correspondence to the committee, Project Paradigm highlighted that exploitation and other modern slavery offences 'can and often do involve child victims'. They advocated for the committee, and more broadly the government, to ensure child victim-survivors of modern slavery are afforded the opportunity to participate in processes and share their story in safe and inclusive ways.⁷⁷
- 2.81** The Commissioner highlighted that 'limited competition' in service provision in the anti-slavery sector may limit the willingness of modern slavery survivors to provide feedback, resulting in missed opportunities to improve services.⁷⁸
- 2.82** An individual with lived experience of modern slavery echoed the Commissioner's concern. They explained that survivors' voices were frequently excluded from discussions about service provision, often due to concerns about re-traumatisation. As a result, survivors were only able to provide feedback through the services they depended on, leading to conflicts of interest and restricting their ability to speak openly.
- 2.83** The Commissioner put forward a series of amendments to the Act relating to the Commissioner's functions that would ensure appropriate opportunities are afforded to those with lived experience of modern slavery, and related expertise. This included, for example, the provision for the establishment of the Commissioner's Advisory Panel. The other amendments proposed by the Commissioner are detailed below:

⁷⁴ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, 1 November 2024, p 5.

⁷⁵ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service,, 1 November 2024, p 4.

⁷⁶ Evidence, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service,, 1 November 2024, p 5.

⁷⁷ Correspondence to the Modern Slavery Committee, Project Paradigm, 10 October 2024, pp 1-3.

⁷⁸ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 34. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 18.

- adding a new section 3(ba), as an Object of the Act: 'to promote, facilitate and support the participation of people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new definition in section 5 of 'people with lived experience of modern slavery' to read: 'victims of modern slavery offences and those who have first-hand experience of, but are not the victims of, modern slavery offences'.
- adding a new section 8A, 'Advisory Panel' to read:
 1. The Commissioner may appoint an Advisory Panel to provide advice and counsel to the Commissioner in the discharge of the Commissioner's functions.
 2. The Advisory Panel shall include both people with lived experience of modern slavery and other people with expertise and capabilities relevant to the discharge of the Commissioner's functions
- adding a new section 9(1)(ba) under 'General functions of the Commissioner' to read: 'to support the participation of diverse people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new section 9(2)(ba) under 'General functions of the Commissioner' to read: 'the engagement with, and assistance and support to, people with lived experience of modern slavery'
- adding a new section 11(5)(c) stating that the Commissioner's Strategic Plan must address 'strategies for supporting the participation of people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new section 12(d) under the 'Commissioner's public awareness and advice functions generally' to read: 'to promote the participation of people with lived experience in the design, implementation and evaluation of laws, policies and actions to combat modern slavery'
- adding a new section 15(3) under 'Cooperation with other persons and organisations' to read: 'When possible, the Commissioner shall seek to work in cooperation with people with lived experience'
- adding a new section 19(2)(e) to state that the Commissioner's annual report must include 'a description of the Commissioner's cooperation and engagement with people with lived experience during that year'
- adding a new section 19(3)(d) to state that the Commissioner's annual report is to include a review of 'the extent to which, in taking action to combat modern slavery, the government of NSW has cooperated with people with lived experience of modern slavery'
- adding a new section 22(1)(c) under 'Functions of Committee' to read that a function of the committee is to 'promote the participation of people with lived experience of modern slavery in the deliberations of the Modern Slavery Committee'.⁷⁹

2.84 Further, the Commissioner's 2023-2024 Annual Report made the following recommendations to centre lived experience expertise in the private and public sector responses to modern slavery:

- that the anti-slavery sector should work with the NSW Anti-slavery Commissioner, and with survivors and other stakeholders, beginning in 2025, to develop a survivor expertise platform.

⁷⁹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 35-36. See also, Answers to questions on notice, Dr James Cockayne, NSW Anti-slavery Commissioner, pp 1-3.

- that the Department of Communities and Justice (DCJ) form an internal working group to develop a forced marriage support system.⁸⁰

- 2.85** In relation to the Commissioner's recommendation to DCJ, section 19 (3)(c) of the Act requires the Commissioner to include in his annual report a review on 'action by the Department of Communities and Justice 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'. The 2023-2024 Annual Report noted that after more than two years since the Act commenced no such system has been implemented. Through the annual report, the Commissioner consequently notified DCJ, under section 31(1)(a) of the Act, that the department 'is obliged to provide a statement of the action taken in relation to this issue during the 2025 financial year in annual reporting for that financial year'.⁸¹
- 2.86** On this issue, confidential testimony from an individual with lived experience of modern slavery highlighted the importance of establishing support mechanisms for forced marriage that are led by victims and survivors.
- 2.87** The committee did not hear evidence on this matter from the Department of Communities and Justice.

Victim-survivors' rights and supports

- 2.88** The committee examined the rights and supports available to victim-survivors under the *Victims Rights and Support Act 2013* and *Modern Slavery Act 2018*. The committee heard from lived experience witnesses who detailed their challenges accessing support, how this has impacted their ability to escape and recover, and what measures are necessary to improve the supports available.

Amendments to the *Victims Rights and Support Act 2013*

- 2.89** Inquiry participants, namely Anti-slavery Australia and the Law Society of NSW, highlighted limitations to the effectiveness of the *Victims Rights and Support Act 2013* for victim-survivors of modern slavery. Both stakeholders advocated for amendments to be made to the *Victims Rights and Support Act 2013*.⁸²
- 2.90** In particular, Anti-slavery Australia, referred to section 19A of the *Victims Rights and Support Act 2013* which outlines the 'meaning of "act of modern slavery"':
- (1) In this Act, act of modern slavery means an act or series of related acts committed in New South Wales, whether committed by one or more persons—
 - (a) that has apparently occurred in the course of commission of an offence or other conduct constituting modern slavery within the meaning of the Modern Slavery Act 2018, and

⁸⁰ NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p

⁸¹ NSW Anti-slavery Commissioner, *Engaging for Freedom*, Annual Report 2023-24, p

⁸² Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 37-38. See also, Submission 13, Anti-Slavery Australia, pp 7-8; Submission 3, The Law Society of NSW, p 2.

- (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 Crimes Act 1900, and
- (c) that has resulted in injury or death to one of those persons.⁸³

2.91 Anti-slavery Australia stated that section 19 operates to exclude several types of modern slavery, such as forced marriage, trafficking in persons, domestic trafficking in persons, trafficking in children, deceptive recruiting, debt bondage, and organ trafficking. Anti-slavery Australia was of the view that this presented a significant limitation on eligibility for support or recognition payments. To increase eligibility, Anti-slavery Australia suggested amending the section by replacing 'and' with 'or' between sections 19A(1)(a) and 19A(1)(b).⁸⁴

2.92 Along with this amendment to the *Victims Rights and Support Act 2013*, Anti-slavery Australia suggested several other amendments that would strengthen the supports available and recognise the challenges victim-survivors face in seeking this support. The proposed amendments are as follows:

- amend section 5(1) 'meaning of "victim of crime"' to include specific reference to the definition of modern slavery in sections 5 (1)(a) and (b) of the *Modern Slavery Act 2018*
- amend section 19A(1) 'meaning of "act of modern slavery"' to read: 'act of modern slavery means an act, *part of an act* or series of related acts including planning of an act or series of related acts committed in, *or partly within*, New South Wales'
- amend section 3 'definitions' to include Commonwealth agencies, departments and law enforcement, such as the Australian Federal Police and the Commonwealth Director of Public Prosecutions, as agencies the Commissioner of Victims Rights may seek information from (this will therefore change the scope of section 12 to allow the Commissioner of Victim Rights to compel information from Australian Government agencies in the exercise of their functions under the Act)
- remove the requirement for applicants to demonstrate 'injury' or 'harm' in order to access support or payments
- amend section 40(1) 'time for making, and duration of, applications' for victim support to introduce an exception to the limitation period for claims made by victims of modern slavery
- amend section 42 'consideration of applications' for victim support to include a procedural fairness mechanism that allows applicants for support or recognition payments to be invited to provide further evidence or comments in support of their applicant when the Victims Services Commissioner is considering dismissing their application.⁸⁵

⁸³ *Victim Rights' and Support Act 2013*, s19A.

⁸⁴ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 37. See also, Submission 13, Anti-Slavery Australia, pp 7-8.

⁸⁵ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, pp 37-38. See also, Submission 13, Anti-Slavery Australia, pp 7-8; *Victim Rights' and Support Act 2013*, ss 3, 5, 19, 40 and 42.

Access to critical services for victim-survivors of modern slavery

- 2.93** The committee heard from inquiry participants that access to critical services such as healthcare and housing can often impact whether a victim of modern slavery can escape or seek to escape a situation.⁸⁶ This perspective was reinforced by confidential testimony from individuals with lived experience of modern slavery, who described facing significant barriers to accessing support, which often prevented both their escape and recovery. Some of these barriers include:
- lack of trauma-informed training, education and awareness of service providers about the complexity and diversity of modern slavery situations
 - lack of awareness that their situation was one of modern slavery
 - psychological impact of trauma from their situation
 - lack of eligibility, in particular for individuals on a visa
 - lack of availability and consistency in support services and programs specific to victim-survivors of modern slavery with complex short- and long-term recovery needs
 - cultural and language barriers.
- 2.94** Beyond these barriers impacting a survivor's ability to escape or attempt to escape their situation, the committee received confidential testimony from individuals with lived experience detailing additional impacts, including:
- limited capacity to escalate concerns or advocate for themselves effectively
 - distrust in services and frustration over the inability to access help
 - significant mental and physical health consequences.
- 2.95** Further, confidential testimony from individuals with lived experience revealed other concerns in service provision, including that a lack of collaboration between other state and federal services creates a complex and confusing system for survivors to navigate. It was noted that this lack of collaboration negatively impacts the visibility of many survivors.
- 2.96** Moreover, the complexity of modern slavery, its long-lasting impact and the need for service provision to respond to an individual's evolving needs in the short- and long-term was emphasised by those with lived experience of modern slavery who gave confidential testimony. Individuals stressed that support services should be provided for as long as necessary and not limited to a specific timeframe.
- 2.97** More specifically, the committee heard that victim-survivors have been unable to access the federally funded Support for Trafficked People Program (STPP) as a result of being in their situation too long or due to their forced marriage occurring prior to criminalisation of the offence in the Australian Criminal Code in 2013. One individual with lived experience called

⁸⁶ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 38. See also, Evidence, Mr Paul McKnight, Law Reform and Legal Services, NSW Department of Communities and Justice, 30 October 2023, p 12; Evidence, Mr Ali Mojtahedi, Chair, Law Society Human Rights Committee, The Law Society of NSW, 30 October 2023, p 50, p 50; Evidence, Mr Simeon Beckett SC, Chair, NSW Bar Association Human Rights, p 51.

for clarity on the eligibility for the STPP for victim-survivors who have been unable to access this program as a result of this barrier.

- 2.98** Inquiry participants discussed similar issues relating to access to critical support for victim-survivors. The Law Society of NSW and Commissioner acknowledged visa status as a barrier to access support for victim-survivors of modern slavery.⁸⁷
- 2.99** Similarly, the Commissioner stated that within New South Wales modern slavery victim-survivors 'lack reliable, dedicated access to critical services'. He highlighted the various ways victim-survivors access these services as a result of this gap. For example, they seek support from unrelated public and private sector arrangements such as domestic and family violence services, addiction or homelessness services.⁸⁸
- 2.100** In confidential testimony, individuals with lived experience of modern slavery confirmed the Commissioner's evidence, with some explaining that they were only able to access support services due to the intersection of their modern slavery situation with other forms of abuse i.e. domestic and family violence services.
- 2.101** The Commissioner noted that New South Wales law and policy does not provide dedicated funding for support for people with lived experience of modern slavery, nor provide for them to be considered by the NSW Government or other providers in access to services such as accommodation, healthcare, or counselling.⁸⁹
- 2.102** Likewise, Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, highlighted that the NSW Government does not provide specific funding to people impacted by modern slavery. He noted that there is only one safe house in Australia dedicated to modern slavery victim-survivors that is run by the Salvation Army.⁹⁰
- 2.103** Moreover, in confidential testimony individuals with lived experience of modern slavery questioned the accountability and transparency mechanisms for service providers in the anti-slavery sector. Their suggestions for improving victim-survivors' access to support services and reducing the risk of re-traumatisation included:
- establishing accountability measures for agencies that fail to provide timely support
 - establishing a complaints mechanism
 - establishing a board of survivors to monitor and evaluate the effectiveness of supports available.

⁸⁷ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 38. See also, Evidence, Mr Ali Mojtahedi, Law Society Human Rights Committee, Law Society of NSW, 30 October 2023, p 50 and Answers to questions on notice, Dr James Cockayne, NSW Anti-slavery Commissioner, 27 November 2023, p 14.

⁸⁸ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 38. See also, Answers to questions on notice, Dr James Cockayne, NSW Anti-slavery Commissioner, 27 November 2023, pp 11-12.

⁸⁹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 38. See also, Answers to questions on notice, Dr James Cockayne, NSW Anti-slavery Commissioner, p 12.

⁹⁰ Evidence, Mr Moe Turaga, Domus 8.7 modern slavery remediation service, 1 November 2024, p 4.

- 2.104** The Commissioner proposed amendments to the Act that would in effect strengthen his ability to identify and provide assistance and support to victims of modern slavery by allowing him to provide victims' access to accommodation, healthcare and essential services. In addition, he proposed being able to report on the NSW Government's efforts to ensure access to support for victims of modern slavery. These amendments are detailed below:
- amend section 3(b) of the Act, 'Objects of the Act' to read: '(b) to provide assistance and support for victims of modern slavery and people at risk of modern slavery, including access to accommodation, healthcare and essential services'
 - amend section 9(1)(b) of the Act, 'General functions of the Commissioner' to read: '(b) to identify and provide assistance and support for victims of modern slavery and people at risk of modern slavery, in particular access to accommodation, healthcare and essential services'
 - amend section 19(3) of the Act, 'Annual and other reports to Parliament', to state that the Commissioner's annual report is to include a review of:
 - '(d) actions by the government of NSW during the year to ensure access for victims of modern slavery and those at risk of modern slavery to:
 - (i) safe, culturally-appropriate accommodation,
 - (ii) healthcare, and
 - (iii) other essential services.'
- 2.105** In confidential testimony the committee heard that currently the Commissioner is only able to provide a list of support services available and cannot make direct referrals. It was suggested that the scope of the Commissioner's powers in relation to direct referrals should be clarified to ensure that his office is able to provide this kind of support to victim-survivors going forward.
- 2.106** The committee did not hear evidence from the Anti-slavery Commissioner in response to this matter.

Cooperation and harmonisation between jurisdictions

- 2.107** The Commissioner emphasised the importance of ensuring cooperation with Australian jurisdictions, in particular, the Australian Government's Anti-slavery Commissioner once they are appointed. The Commissioner noted that in the long-term the appointment may strengthen efforts to combat modern slavery. However, he noted that in the short-term it may increase demand for support from victim-survivors, as well as advice and training from organisations.⁹²
- 2.108** The Commissioner stated that he intends to cooperate with the federal Anti-slavery Commissioner following their appointment. Nonetheless, the Commissioner suggested amending the Act to make collaboration with other Australian and overseas actors a specific function of the Act, as follows:

⁹¹ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 39. See also, Answers to questions on notice, Dr James Cockayne, NSW Anti-slavery Commissioner, p 16.

⁹² Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 40. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 22.

to collaborate with any federal Anti-slavery Commissioner in Australia, and with other persons and bodies mandated by a government in Australia or overseas, or by an international organisation, to combat modern slavery.⁹³

- 2.109** On 11 November 2024, the Australian Attorney General, The Hon. Mark Dreyfus KC MP, announced the appointment of the federal Anti-slavery Commissioner, Mr Chris Evans. Mr Evans has served as Chief Executive Officer of the Global Freedom Network of WalkFree, 'working with faith leaders to end human trafficking and modern slavery' and was a Senator for Western Australia between 1993 and 2013.⁹⁴

Further review of the Act

- 2.110** Section 36 of the Act requires the Modern Slavery Committee to conduct a review within 12 months of the Act's commencement but does not provide for periodic reviews. In part 1 of the review, inquiry participants expressed that future reviews of the Act by the committee are warranted and presented varied views on their recurrence.
- The Commissioner suggested a review should be held once every four years to ensure each successive Commissioner has the opportunity to engage in the statutory review process.
 - The NSW Bar Association suggested there should be another review in two years to assess more comprehensively whether the Act is meeting its policy objectives and whether the terms of the Act are appropriate.
 - The Department of Communities and Justice noted that it is relatively rare for an Act to have review mechanisms built into it, however, suggested a further review towards the end of the timeframe for the Commissioner's Strategic Plan in 2026.⁹⁵

Committee comment

- 2.111** With possibly more than 16,000 people experiencing modern slavery in New South Wales, the *Modern Slavery Act 2018* is central to the NSW Government's efforts to combat modern slavery. The committee received valuable insights from a range of stakeholders including the NSW Anti-slavery Commissioner, government representatives, legal bodies, key organisations in the anti-slavery sector, and individuals with lived experience of modern slavery. The committee has

⁹³ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 40. See also, Submission 8, Office of the NSW Anti-slavery Commissioner, p 29; Answers to supplementary questions, Dr James Cockayne, NSW Anti-slavery Commissioner, 27 November 2023, p 2.

⁹⁴ Media Release, The Hon. Mark Dreyfus KC MP, Attorney General, Australian Government, 'Appointment of Australia's first Anti-Slavery Commissioner', <https://ministers.ag.gov.au/media-centre/appointment-australias-first-anti-slavery-commissioner-11-11-2024>, 11 November 2024.

⁹⁵ Joint Statutory Committee on Modern Slavery, NSW Parliament, *Review of the Modern Slavery Act 2018*, 2023, p 41. See also, Evidence, Dr James Cockayne, NSW Anti-slavery Commissioner, 30 October 2023, p 28; Submission 11, NSW Bar Association, p 7; Evidence, Mr Paul McKnight, Deputy Secretary, Law Reform and Legal Services, NSW Department of Communities and Justice, 30 October 2023, p 12.

carefully considered the evidence presented by all inquiry participants and again extends its gratitude to all who contributed their time and expertise.

- 2.112** Firstly, the committee commends the work of the NSW Anti-slavery Commissioner and his office to date. It is evident that since the Commissioner's appointment, and the committee's first report, significant work has been undertaken to implement his functions under the Act. However, the committee acknowledges the evidence from various stakeholders that some of the Commissioner's functions can be enhanced to better support his efforts to combat modern slavery. This was a key theme that emerged throughout the review.
- 2.113** The committee recognises the Commissioner's view that he is limited in his ability to proactively meet the Act's object to detect and expose modern slavery. The committee also acknowledges that some individuals with lived experience expressed their support for enhancing the Commissioner's powers to better detect and expose modern slavery.
- 2.114** In this regard, the committee has considered amendments suggested by the Commissioner to enhance these powers, in particular that his role be provided powers to inspect sites suspected of modern slavery. While the committee understands why such an amendment has been proposed, we note that the Act is in its infancy and there may be implications of such powers that need to be examined in more detail. For these reasons, the committee believes inspectorate powers for the Commissioner, akin to the NSW Building Commissioner's powers, is not a suitable course of action at this time and welcomes the opportunity to consider this issue in future inquiries.
- 2.115** Nonetheless, the committee sees merit in the NSW Government exploring other amendments proposed by the Commissioner about his information gathering and sanctioning powers under the Act. As such, the committee recommends that the NSW Government explore strengthening the NSW Anti-slavery Commissioner's information gathering and sanctioning powers under the *Modern Slavery Act 2018*.

Recommendation 1

That the NSW Government explore strengthening the NSW Anti-slavery Commissioner's information gathering and sanctioning powers under the *Modern Slavery Act 2018* as follows:

- (1) where the Commissioner has reasonable grounds to believe that a modern slavery offence has occurred or may be occurring, to:
 - (a) investigate that information with a view to detection and exposure, provision of assistance and support, or referral for criminal investigation of a modern slavery offence
 - (b) direct a person or organisation to provide specified reasonable assistance and cooperation
 - (c) require a person to provide information, records or copies
 - (d) record evidence.
- (2) where an organisation refuses to cooperate with or provide specified reasonable assistance to the Anti-slavery Commissioner, as required under sub-section (1) or under section 14 of the Act, to:
 - (a) invite the person to provide a written explanation of the basis for their non-cooperation within a reasonable time
 - (b) upon receipt of a written explanation under sub-section 2(a), consider that explanation and vary the Commissioner's request or direction for assistance, or repeat the request for cooperation or assistance without variation, and
 - (c) in the event of continued non-cooperation or continued refusal of assistance, direct a person to comply with the request of the Commissioner.
- (3) where the Commissioner has identified significant issues in a Government Sector Finance agency's operations, and the agency has failed to take reasonable steps to address those issues, to:
 - (a) direct the agency to take specific steps to remediate those significant issues; and
 - (b) in the event that the agency does not take those steps within a reasonable time, to refer the matter to the NSW Auditor-General.

2.116 Related to these amendments is the evidence presented by stakeholders regarding the scope of section 14 of the *Modern Slavery Act 2018*, which requires cooperation and coordination between the Anti-slavery Commissioner, government agencies, and other organisations. The committee acknowledges concerns raised by stakeholders in the legal field about the section's implications for the confidentiality and trust of victim-survivors. These stakeholders were particularly concerned about whether the Commissioner's powers extend to accessing information protected by legal professional privilege and public interest immunity.

2.117 The committee considers these concerns valid and recommends that the NSW Government seek to amend section 14 of the *Modern Slavery Act 2018* to clarify that the provision does not provide the NSW Anti-slavery Commissioner powers to expect cooperation that is inconsistent with existing rights and privileges, including legal professional privilege and public interest immunity.

Recommendation 2

That the NSW Government seek to amend section 14 of the *Modern Slavery Act 2018* to clarify that the provision does not provide the NSW Anti-slavery Commissioner powers to expect cooperation that is inconsistent with existing rights and privileges, including legal professional privilege and public interest immunity.

- 2.118** The committee acknowledges that since part 1 of the review there have been various developments in the NSW Anti-slavery Commissioner's education, training and awareness raising initiatives. In particular, the committee notes the establishment the Commissioner's hotline, publication of the *Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains*, an Inherent Risk Identification Tool, model contracting, and model tender clauses, and further development of Codes of Practice for specific industries. These initiatives are important steps in the efforts to combat modern slavery and the committee is encouraged to see the progress made since its first report.
- 2.119** Notwithstanding these efforts, the committee heard powerful testimony from individuals with lived experience of modern slavery that education, training and awareness raising efforts can be enhanced. The committee is disappointed to hear from many individuals with lived experience that the lack of education and training of frontline organisations had a significant impact on their ability to escape, recover or hold their perpetrator to account. This issue requires urgent attention.
- 2.120** As a first step, the committee agrees that mandatory training for frontline organisations is crucial and therefore recommends that the NSW Government provide mandatory and ongoing training to government and non-government frontline organisations, including housing, education, healthcare, law enforcement and social services, on how to identify and respond appropriately to potential victim-survivors of modern slavery. The NSW Government should work closely with the NSW Anti-slavery Commissioner to develop this training to ensure that it is survivor-led and trauma-informed.
-

Recommendation 3

That the NSW Government:

- provide mandatory and ongoing training to government and non-government frontline organisations, including housing, education, healthcare, law enforcement and social services, to identify and respond appropriately to potential victim-survivors of modern slavery
 - work closely with the NSW Anti-slavery Commissioner to develop this training to ensure that it is survivor-led and trauma-informed.
-

- 2.121** In part 1 of the review, the committee examined the resourcing, independence and tabling provisions of the Act related to the NSW Anti-slavery Commissioner. The committee heard that despite section 7 of the *Modern Slavery Act 2018* specifying that the Commissioner is not subject to the control and direction of the responsible Minister, his office is currently resourced and budgeted through the Department of Communities and Justice. The committee appreciates that this arrangement has the potential to jeopardise the independence of the Commissioner and place resourcing constraints on his office.
-

- 2.122** The committee therefore sees value in exploring avenues to enhance the Commissioner's independence and resourcing. For example, through providing the Commissioner with the ability to independently present budget proposals. The committee notes that it has not had the opportunity to examine the implications of such an arrangement and is of the view that the NSW Government could consider establishing this arrangement on a trial basis.
- 2.123** The committee therefore recommends that the NSW Government, on a trial basis: provide the NSW Anti-slavery Commissioner the ability to present budget proposals through the Attorney General to the Cabinet Office or Expenditure Review Committee of Cabinet.
-

Recommendation 4

That the NSW Government, on a trial basis provide the NSW Anti-slavery Commissioner with the ability to present budget proposals through the Attorney General to the Cabinet Office or Expenditure Review Committee of Cabinet.

- 2.124** On a related note, the committee is disappointed to hear that despite modelling for additional staff in the years following the NSW Anti-slavery Commissioner's establishment, funding for the expansion of his office has not occurred. Noting the various recommendations in this report that could potentially expand the NSW Anti-slavery Commissioner's statutory functions, the committee believes it is imperative for his office be adequately resourced. The committee therefore recommends that the NSW Government ensure that the Office of the NSW Anti-slavery Commissioner is adequately resourced to carry out its functions, including any additional functions that arise from this review.
-

Recommendation 5

That the NSW Government ensure that the Office of the NSW Anti-slavery Commissioner is adequately resourced to carry out its functions, including any additional functions that arise from this review.

- 2.125** The committee acknowledges that the limitations on the NSW Anti-slavery Commissioner to table reports out of session create the potential for delays in publication. We reiterate our reasoning for recommendation 2 in the first report and recommend that the NSW Government seek to amend the *Modern Slavery Act 2018* to explicitly provide for the NSW Anti-slavery Commissioner's annual and other reports to be tabled out of session or made publicly available immediately after being furnished to the Presiding Officers, as provided for in the original Modern Slavery Bill 2018.
-

Recommendation 6

That the NSW Government seek to amend the *Modern Slavery Act 2018* to explicitly provide for the NSW Anti-slavery Commissioner's annual and other reports to be tabled out of session or made publicly available immediately after being furnished to the Presiding Officers, as provided for in the original Modern Slavery Bill 2018.

- 2.126** The committee heard from inquiry participants about the effectiveness and challenges of enforcement and compliance measures to combat modern slavery. In particular, the committee
-

acknowledges the concerns raised with the reporting and due diligence obligations placed on over 400 entities covered under the *Modern Slavery Act 2018* to ensure goods and services procured are not a product of modern slavery. The committee also acknowledges the challenges individuals with lived experience have faced in ensuring their perpetrator is held accountable.

- 2.127** To these issues, the committee notes that the Act and the government response to modern slavery is in its infancy and an evaluation of enforcement and compliance mechanisms may be more relevant as time passes. Moreover, the committee is of the view that a key aspect of strengthening the enforcement and compliance mechanisms under the Act is improving the education, training and awareness of frontline organisations responsible for detecting and exposing modern slavery, as we recommended earlier.
- 2.128** Notwithstanding this, the committee believes there may be merit in implementing penalties to reduce the prevalence of modern slavery and therefore recommends that the NSW Government explore the use, scope and efficacy of penalties to reduce the prevalence of modern slavery in New South Wales.

Recommendation 7

That the NSW Government explore the use, scope and efficacy of penalties to reduce the prevalence of modern slavery in New South Wales.

- 2.129** In part 2 of the review, the committee received valuable insights from individuals with lived experience of modern slavery. Their testimonies enhanced the committee's understanding of the realities of modern slavery and the significant challenges faced by individuals when accessing support. The perspective provided by individuals with lived experience is one no other stakeholder could offer.
- 2.130** The committee agrees with the evidence presented by inquiry participants, emphasising that lived experience expertise must be central to both government and non-government responses to modern slavery. We also note the evidence that the perspectives of child victim-survivors should be taken into consideration in the committee's process and the broader government response to modern slavery. The committee is considering this issue further by seeking expert advice on how we can appropriately engage with children in future inquiries.
- 2.131** The committee acknowledges the NSW Anti-slavery Commissioner's efforts to prioritise lived experience expertise, including by establishing at his discretion a Survivor Advisory Panel. The committee believes that formalising this panel within the *Modern Slavery Act 2018* is necessary. Additionally, the committee agrees with the Commissioner's other proposed amendments to the Act aimed at further embedding lived experience expertise. The committee therefore recommends that the NSW Government seek to amend the *Modern Slavery Act 2018* to embed lived experience expertise into the Act.

Recommendation 8

That the NSW Government seek to amend the *Modern Slavery Act 2018* by:

- adding a new section 3(ba), as an Object of the Act: 'to promote, facilitate and support the participation of people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new definition in section 5 of 'people with lived experience of modern slavery' to read: 'victims of modern slavery offences and those who have first-hand experience of, but are not the victims of, modern slavery offences'
- adding a new section 8A, 'Advisory Panel' to read:
 - The Commissioner may appoint an Advisory Panel to provide advice and counsel to the Commissioner in the discharge of the Commissioner's functions
 - The Advisory Panel shall include both people with lived experience of modern slavery and other people with expertise and capabilities relevant to the discharge of the Commissioner's functions
- adding a new section 9(1)(ba) under 'General functions of the Commissioner' to read: 'to support the participation of diverse people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new section 9(2)(ba) under 'General functions of the Commissioner' to read: 'the engagement with, and assistance and support to, people with lived experience of modern slavery'
- adding a new section 11(5)(c) stating that the Commissioner's Strategic Plan must address 'strategies for supporting the participation of people with lived experience of modern slavery in efforts to combat modern slavery'
- adding a new section 12(d) under the 'Commissioner's public awareness and advice functions generally' to read: 'to promote the participation of people with lived experience in the design, implementation and evaluation of laws, policies and actions to combat modern slavery'
- adding a new section 15(3) under 'Cooperation with other persons and organisations' to read: 'When possible, the Commissioner shall seek to work in cooperation with people with lived experience'
- adding a new section 19(2)(e) to state that the Commissioner's annual report must include 'a description of the Commissioner's cooperation and engagement with people with lived experience during that year'
- adding a new section 19(2)(f) to state that the Commissioner's annual report must include 'a report from the Commissioner's Advisory Panel on the issues the Panel has discussed and any actions they believe the Government or Parliament should take in relation to meeting the objects of the Act'
- adding a new section 19(3)(d) to state that the Commissioner's annual report is to include a review of 'the extent to which, in taking action to combat modern slavery, the government of NSW has cooperated with people with lived experience of modern slavery'
- adding a new section 22(1)(c) under 'Functions of Committee' to read that a function of the committee is to 'promote the participation of people with lived experience of modern slavery in the deliberations of the Modern Slavery Committee'.

- 2.132** While these amendments represent an important step in the government's response to modern slavery, the committee emphasises that further action is needed across other areas of government, and the broader anti-slavery sector to ensure meaningful integration of lived experience expertise similar to what has been occurring in the domestic and family violence sector for some time. The committee therefore recommends that the NSW Government ensure that its broader response to modern slavery, including its policies and support services, integrate lived experience expertise.

Recommendation 9

That the NSW Government ensure that its broader response to modern slavery, including its policies and support services, integrate lived experience expertise.

- 2.133** Testimony from individuals with lived experience of modern slavery revealed a diverse and complex array of issues that hinder access to available supports for victim-survivors. These challenges include barriers such as systemic gaps in service delivery, cultural and language obstacles, and a lack of trust due to prior negative experiences. The committee believes that addressing these challenges requires significant and targeted actions by the NSW Government to strengthen these services. This includes enhancing funding and resources for specialised services, improving coordination between state and federal government agencies and non-government organisations, and ensuring that frontline workers are adequately trained to provide trauma-informed assistance.
- 2.134** More specifically, the committee notes the question raised about the eligibility of victim-survivors to access the federally funded Support for Trafficked People Program. The committee is concerned to hear that some victim-survivors are unable to access this program as a result of their modern slavery situation occurring prior to the criminalisation of the relevant offence in the Australian Criminal Code. The committee is of the view that this is a matter the federal government should provide further clarity on.
- 2.135** The committee appreciates the well-considered recommendations put forward by various inquiry participants to strengthen the provision of, and access to services. In particular, the committee acknowledges those put forward by Anti-slavery Australia to broaden the scope of the *Victims Rights and Supports Act 2013* to better respond to the needs of victim-survivors. The committee believes these amendments are an important step to improving access to support services for victim-survivors and therefore recommends that the NSW Government seek to amend the *Victim Rights and Supports Act 2013* accordingly.

Recommendation 10

That the NSW Government seek to amend the *Victim Rights and Supports Act 2013* by:

- amending section 5(1) 'meaning of "victim of crime"' to include specific reference to the definition of modern slavery in sections 5 (1)(a) and (b) of the *Modern Slavery Act 2018*
 - amending section 19A(1) 'meaning of 'act of modern slavery"' to read: 'act of modern slavery means an act, *part of an act* or series of related acts including planning of an act or series of related acts committed in, *or partly within*, New South Wales'
 - amending section 3 'definitions' to include Commonwealth agencies, departments and law enforcement, such as the Australian Federal Police and the Commonwealth Director of Public Prosecutions, as agencies the Commissioner of Victims Rights may seek information from (therefore changing the scope of section 12 to allow the Commissioner of Victim Rights to compel information from Australian Government agencies in the exercise of their functions under the Act)
 - removing the requirement for applicants to demonstrate 'injury' or 'harm' in order to access support or payments
 - amending section 40(1) 'time for making, and duration of, applications' for victim support to introduce an exception to the limitation period for claims made by victims of modern slavery
 - amending section 42 'consideration of applications' for victim support to include a procedural fairness mechanism that allows applicants for support or recognition payments to be invited to provide further evidence or comments in support of their applicant when the Victims Services Commissioner is considering dismissing their application.
-

2.136 The committee notes evidence questioning the NSW Anti-slavery Commissioner's powers to directly refer victim-survivors to support services. Additionally, the committee acknowledges the proposed amendments to the *Modern Slavery Act 2018* put forward by the NSW Anti-slavery Commissioner, aimed at strengthening his ability to provide effective assistance to victim-survivors, in particular access to critical services such as accommodation, healthcare and essential services. Given the Act is still in its infancy, the committee does not consider it a necessary step for the Commissioner to have additional responsibilities in providing access to these critical services.

2.137 However, the committee supports the Anti-slavery Commissioner's amendment to include in his annual report a review of actions taken by the government to ensure access to critical services. The committee therefore recommends that the NSW Government seek to amend section 19(3) of the *Modern Slavery Act 2018* to require the NSW Anti-slavery Commissioner's annual report to include:

- a review of the government's actions during the year to ensure access for victims of modern slavery to safe, culturally appropriate housing, healthcare and other essential services.
- details of mandatory and other training undertaken by government and non-government frontline organisations.

Recommendation 11

That the NSW Government seek to amend section 19(3) of the *Modern Slavery Act 2018* to require the NSW Anti-slavery Commissioner's annual report to include:

- a review of the government's actions during the year to ensure access for victims of modern slavery to safe, culturally appropriate housing, healthcare and other essential services.
 - details of mandatory and other training undertaken by government and non-government frontline organisations.
-

- 2.138** The committee acknowledges evidence from part 1 of the review emphasising the importance of fostering cooperation between Australian jurisdictions, particularly in light of the appointment of the federal Anti-slavery Commissioner. The committee is pleased to hear that the Australian Government recently appointed Mr Chris Evans to the role. We are looking forward to the collaboration of the state and federal Anti-slavery Commissioners.
- 2.139** Finally, the committee acknowledges the views from inquiry participants that a further review of the *Modern Slavery Act 2018* is warranted and notes the differing views about its recurrence. The committee agrees that a review of the Act should take place every four years.
- 2.140** The committee notes it is currently undertaking an inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales and remains open to recommending changes to the *Modern Slavery Act 2018* through that inquiry and others.
- 2.141** The committee therefore recommends that the NSW Government seek to amend the *Modern Slavery Act 2018* to require the Modern Slavery Committee to undertake a review of the Act once per parliamentary term to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.
-

Recommendation 12

That the NSW Government seek to amend the *Modern Slavery Act 2018* to require the Modern Slavery Committee to undertake a review of the Act once per parliamentary term to determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.

Appendix 1 Submissions

No.	Author
1	Construction, Forestry, Maritime, Mining and Energy Union (CFMEU) NSW
2	Project Paradigm
3	The Law Society of New South Wales
4	New South Wales Council for Civil Liberties (NSWCCL)
5	National Retail Association
6	Australian Human Rights Commission (AHRC)
7	Dr Martijn Boersma
8	Office of the NSW Anti-slavery Commissioner
9	NSW Small Business Commissioner
10	The Freedom Hub Ltd.
11	New South Wales Bar Association
12	Confidential
13	Anti-Slavery Australia
14	The SlaveCheck Foundation Limited
15	Project Futures
16	NSW Treasury
17	Larissa Kaput
18	Domus 8.7 remediation service

Appendix 2 Witnesses at hearings

Date	Name	Position and Organisation
Monday 30 October 2023 Room 814, Parliament House, Sydney	Dr James Cockayne	NSW Anti-Slavery Commissioner
	Mr Paul McKnight	Deputy Secretary, Law Reform and Legal Services, NSW Department of Communities and Justice
	Mr Mark Follett	Executive Director, Policy Reform and Legislation, NSW Department of Communities and Justice
	Mr Song Hang	Executive Director, Procurement NSW
	Ms Emma Cooper	Director, Procurement Policy, Procurement NSW
	Dr Martijn Boersma	Director, Modern Slavery and Human Trafficking postgraduate programs, University of Notre Dame Australia
	Ms Lydia Shelly	President, NSW Council for Civil Liberties
	Mr Stephen Blanks	Past President, NSW Council for Civil Liberties
	Mr Conrad Townson	Principal Advisor, Child Exploitation, Project Paradigm - Integrated Family and Youth Service
	Mr Tony Pignata	Managing Director, Integrated Family and Youth Service
	Mr Paul Green	Chairman, The SlaveCheck Foundation
	Mr Tim Murray	CEO, The SlaveCheck Foundation
	Mr Ali Mojtahedi	Chair, Law Society Human Rights Committee, Law Society of NSW
	Mr Simeon Beckett SC	Chair, NSW Bar Association Human Rights Committee
	Ms Madeleine Bridgett	Member, NSW Bar Association Human Rights Committee

Date	Name	Position and Organisation
	Ms Anne Sheehan (<i>via videoconference</i>)	First Assistant Secretary, International Law and Human Rights Division, Attorney-General's Department (federal)
	Ms Frances Finney PSM (<i>via videoconference</i>)	Assistant Secretary, Modern Slavery and Human Trafficking Branch, Attorney-General's Department (federal)
Monday 20 November 2023 Macquarie Room, Parliament House, Sydney	Witness A	
	Witness B	
	Professor Jennifer Burn	Director, Anti-Slavery Australia
	Ms Sandeep Dhillon	Human Rights Practice Manager, Anti-Slavery Australia
	Ms Isobel McGarity	Lawyer, Anti-Slavery Australia
Tuesday 29 October 2024 Room 814, Parliament House, Sydney	Witness C	
	Witness D	
	Witness E	
Friday 1 November 2024 Room 814, Parliament House, Sydney	Mr Moe Turaga	Expert Advisor, Domus 8.7 modern slavery remediation service
	Witness F	
	Witness G	
	Witness H	

Appendix 3 Minutes

Minutes no. 1

Thursday, 3 August 2023

Joint Modern Slavery Committee

Room 1043, Parliament House, Sydney, 9.30 am

1. Members present

Mrs Ayyad

Mr Borsak

Mr Donnelly

Dr Kaine

Ms Leong

Mrs MacDonald

Dr McGirr

Ms Wilkinson

2. Tabling of resolution establishing the committee

The Committee Clerk tabled the resolution of the of 10 May 2023, establishing the committee, which reads as follows:

1. That under section 21 of the *Modern Slavery Act 2018*, a joint committee known as the Modern Slavery Committee be appointed.
2. That under section 23(1)(a) of the Act, the committee consist of four members of the Legislative Council comprising:
 - (a) two government members,
 - (b) one opposition member, and
 - (c) one crossbench member.
3. That a message be sent acquainting the Legislative Assembly of the resolution and requesting the Legislative Assembly to appoint four of its members to serve with the members of the Legislative Council on the committee.
4. In addition to the provisions of Schedule 1 to the Act, unless the committee decides otherwise:
 - (a) all inquiries are to be advertised via social media, stakeholder emails and a media release distributed to all media outlets in New South Wales,
 - (b) submissions to inquiries are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration,
 - (c) attachments to submissions are to remain confidential,
 - (d) the Chair's proposed witness list is to be circulated to provide members with an opportunity to amend the list, with the witness list agreed to by email, unless a member requests the Chair to convene a meeting to resolve any disagreement,
 - (e) the sequence of questions to be asked at hearings is to alternate between opposition, crossbench and government members, in that order, with equal time allocated to each,

- (f) transcripts of evidence taken at public hearings are to be published,
- (g) supplementary questions are to be lodged with the Committee Clerk within two business days, following the receipt of the hearing transcript, with witnesses requested to return answers to questions on notice and supplementary questions within 21 calendar days of the date on which questions are forwarded to the witness,
- (h) answers to questions on notice and supplementary questions are to be published, subject to the Committee Clerk checking for confidentiality and adverse mention and, where those issues arise, bringing them to the attention of the committee for consideration, and
- (i) media statements on behalf of the committee are to be made only by the Chair.

3. Election of the Chair

The Committee Clerk called for nominations for the Chair.

Ms Leong moved: That Dr McGirr be elected Chair of the committee.

There being no further nominations the Clerk declared Dr McGirr the Chair.

4. Election of Deputy Chair

Dr McGirr took the Chair.

The Chair called for nominations for Deputy Chair.

Dr Kaine moved: That Ms Leong be elected Deputy Chair of the committee.

There being no further nominations, the Chair declared Ms Leong Deputy Chair.

5. Briefing on the resolution establishing the committee and conduct of committee proceedings

The secretariat briefed committee members on the resolution establishing the committee and conduct of committee proceedings.

6. Conduct of committee proceedings

The committee noted the Broadcast of Proceedings resolution (as amended by the Legislative Council on 19 October 2022), in particular the provisions relating to the filming, broadcasting, rebroadcasting and photography of committee proceedings, including:

4) That unless resolved otherwise by a committee, this House authorises:

(a) the filming, broadcasting and photography of members and witnesses in committee proceedings:

- (i) by representatives of media organisations, including from around the committee meeting table,
- (ii) by any member of the public, from the position of the audience, and

(b) the rebroadcasting of committee proceedings on the Legislative Council and Parliament's social media channels.

7. Publication of minutes of the first meeting

Resolved, on the motion of Mr Donnelly: That the committee publish the minutes of the first meeting on the committee's webpage, subject to the draft minutes being circulated to members.

8. Correspondence

Resolved, on the motion of Mr Donnelly: That the Chair write to Dr James Cockayne, Anti-slavery Commissioner, advising of the establishment and membership of the Joint Modern Slavery Committee and invite him to meet with the Committee and provide a briefing.

9. Statutory review

Resolved, on the motion of Mrs MacDonald: That the committee commence the statutory review in the *Modern Slavery Act 2018* and consider the timeline for review at the next meeting.

10. Other business

The committee discussed a potential inquiry to be formally considered at the next meeting, noting that it would commence after the statutory review.

11. Adjournment

The committee adjourned at 9.49 am, *sine die*.

Shaza Barbar

Committee Clerk

Minutes no. 2

Thursday 24 August 2023

Modern Slavery Committee

Room 1043, Parliament House, Sydney, 1.45 pm

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair*

Mrs Ayyad (from 1.48 pm)

Mr Donnelly (until 1.58 pm)

Dr Kaine

Ms MacDonald

Ms Wilkinson

2. Previous minutes

The committee noted the minutes of meeting no. 1 on 3 August 2023 were confirmed via email on 4 August 2023.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 3 August 2023 – Letter from Dr James Cockayne, NSW Anti-slavery Commissioner offering to engage with the committee throughout the term of Parliament
- 8 August 2023 – Letter from Dr James Cockayne, NSW Anti-slavery Commissioner, confirming his attendance at this meeting to give the committee a private briefing
- 22 August 2023 - Letter from the Hon Dr Sarah Kaine MLC, Dr Joe McGirr MP and the Hon Aileen McDonald MLC requesting a meeting of the committee to consider a proposed self-reference into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW).

Sent

- 7 August 2023 – Letter from Chair, to Dr James Cockayne, NSW Anti-slavery Commissioner, advising him of the establishment and membership of the committee and inviting him to provide a private briefing to the committee.

4. Briefing from NSW Anti-Slavery Commissioner

Dr James Cockayne, NSW Anti-slavery Commissioner, accompanied by Tim O'Connor, Communications and Engagement Manager and Victoria Gordon, Senior Legal and Policy Officer, briefed the committee on the work of the Commissioner.

5. Conduct of the review of the *Modern Slavery Act 2018*

5.1 Proposed timeline

Resolved, on the motion of Dr Kaine: That the committee adopt the following timeline for the administration of the inquiry:

- Submissions close: 5 October 2023
- Hearing: October 2023
- Reporting: December 2023.

5.2 Stakeholder list

Resolved, on the motion of Ms Wilkinson: That the following stakeholders be invited to make a submission, with members to forward additional stakeholders to the secretariat by COB Monday 28 August 2023:

- Dr James Cockayne, NSW Anti-slavery Commissioner
- Office of the Director of Public Prosecutions
- Australian Human Rights Commission
- Auditor-General of NSW
- NSW Procurement Board
- Law Society of New South Wales
- NSW Bar Association
- Anti-Slavery Australia
- Be Slavery Free
- Australian Red Cross
- Australian Lawyers for Human Rights
- Women's Legal Service
- The Salvation Army
- Unions NSW
- Global Fund to End Modern Slavery
- Mr Paul Green, former member, NSW Legislative Council.

6. Inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW)

The Chair tabled a letter proposing the following terms of reference for an inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW):

1. That the Modern Slavery Committee inquire into and report on the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW) (the Scheme) and its potential to mitigate the risks of modern slavery in the clothing manufacturing industry in New South Wales, and in particular:
 - a. the characteristics of the textiles, clothing and footwear (TCF) manufacturing industry in New South Wales, in particular:
 - i. the size of the TCF industry including numbers of outworkers
 - ii. the number of workers in the TCF industry and their employment status
 - iii. the demographic profile of workers in the TCF industry, including their gender, migration status, and the language spoken at home and in their workplace
 - iv. the lived experience of workers in the TCF industry
 - v. the nature and complexity of supply chains in the TCF industry
 - vi. the risks of modern slavery present in the TCF industry
 - vii. extent of participation by different parts of the TCF industry in alternative voluntary codes
 - viii. the nature and pattern of reporting of exploitation, abuse or modern slavery in the TCF industry

- b. the current application of the Scheme in New South Wales
- c. the conformance of the Scheme with Australia's commitment to relevant international standards and frameworks such as the UN Guiding Principles on Business and Human Rights and the OECD Due Diligence Guidance for Responsible Business Conduct
- d. if changes are required to the current scheme to better mitigate the risks of modern slavery in the TCF industry in New South Wales
- e. the enforceability of the Scheme in New South Wales, including methods for promoting compliance, such as incorporation by reference through exercise of the Anti-slavery Commissioner's power under section 27 of the *Modern Slavery Act 2018* (NSW)
- f. other industries that are vulnerable to the risks of modern slavery due to their supply chain characteristics, such as primary industries and construction, and the characteristics of those industries in New South Wales
- g. the merits of extending the Scheme to other industries that are vulnerable due to their supply chain characteristics to mitigate the risks of modern slavery
- h. any other related matter.

Resolved, on the motion of Dr Kaine: That the committee adopt the terms of reference.

7. Conduct of the inquiry Ethical Clothing Extended Responsibilities Scheme 2005 (NSW)

7.1 Commencement of the inquiry

Resolved, on the motion of Dr Kaine: That the committee commence the inquiry and call for submissions on 1 December 2023.

7.2 Closing date of the inquiry

Resolved, on the motion of Ms Leong: That the closing date for submissions be 29 February 2024.

7.3 Stakeholder list

Resolved, on the motion of Ms MacDonald: That:

- the secretariat circulate to members closer to the commencement of the inquiry the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

8. Briefing from the Department of Communities and Justice

Resolved, on the motion of Ms Leong: That the committee invite the Department of Communities and Justice to brief the committee on the operation of the *Modern Slavery Act 2018* prior to the public hearing on the review of the Act.

9. Adjournment

The committee adjourned at 2.45pm, *sine die*.

David Rodwell
Committee Clerk

Minutes no. 3

Wednesday 5 September 2023

Modern Slavery Committee

Via videoconference, Parliament House, Sydney, 5.13 pm

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair*

Mr Donnelly

Dr Kaine

Ms MacDonald

Ms Wilkinson

2. Apologies

Mrs Ayyad

3. Correspondence

The committee noted the following items of correspondence:

Received

- 31 August 2023 – Invitation from Mr Jon Davies, Chief Executive, CPA UK for NSW Parliament to nominate delegates to attend its workshop, Strengthening Parliamentary Action to Address Modern Slavery and Human Trafficking in Supply Chains in Nairobi, Kenya between 14-16 November 2023.

Sent

- 30 August 2023 – Letter from Chair, to Mr Michael Tidball, Secretary, NSW Department of Communities and Justice (DCJ) inviting representatives of DCJ to brief the committee on the *Modern Slavery Act 2018*.

4. Invitation to attend Commonwealth Parliamentary Association UK (CPA UK) – Strengthening Parliamentary Action to Address Modern Slavery and Human Trafficking in Supply Chains

Resolved, on the motion of Mr Donnelly: That Dr McGirr and Ms Wilkinson be nominated to attend the three-day workshop between 14-16 November 2023 in Nairobi, Kenya.

5. Adjournment

The committee adjourned at 5.20 pm until 9.00 am Monday 11 September 2023 (briefing from the Department of Communities and Justice).

Shaza Barbar

Committee Clerk

Minutes no. 4

Monday 11 September 2023

Modern Slavery Committee

Room 1043, Parliament House, Sydney, 9.00 am

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair*

Mr Borsak (until 9.35 am)

Mr Donnelly

Ms MacDonald

Ms Wilkinson

2. Apologies

Mrs Ayyad
Dr Kaine

3. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes nos. 2 and 3 are confirmed.

4. Correspondence

The committee noted the following item of correspondence:

Received

- 7 September 2023 – Mr Michael Tidball, Secretary, Department of Communities and Justice (DCJ) to the Chair, confirming departmental representatives to brief the committee.

5. Private briefing from DCJ

Mr Paul McKnight, Deputy Secretary, Law Reform and Legal Services and Mr Mark Follett, Executive Director, Policy, Reform and Legislation, DCJ briefed the committee on the *Modern Slavery Act 2018* (NSW).

6. Timeline of Australian Government response to the statutory review of the *Modern Slavery Act 2018* (Cth)

Resolved, on the motion of Ms MacDonald: That the Chair write to the Australian Government requesting a timeline of when it will respond to the recommendations of the statutory review into the *Modern Slavery Act 2018* (Cth) and the appointment of a Modern Slavery Commissioner.

7. Background briefing

Resolved, on the motion of Ms Wilkinson: That the committee request a background briefing paper from the research service to be provided to the committee by 16 October 2023 addressing the following issues:

- the operation of the Modern Slavery Act 2018 (Cth) and how it compares to the NSW Act
- the changes that occurred between when the NSW Act was first passed in 2018, compared to the 2021 amendments
- issues/recommendations arising from the recent review of the Commonwealth Act, and possible relevance to the NSW Act.

8. Adjournment

The committee adjourned at 9.57 am until Monday 30 October 2023 (public hearing).

David Rodwell
Committee Clerk

Minutes no. 5

Monday 30 October 2023

Modern Slavery Committee

Room 814, Parliament House, Sydney, 8.51 am

1. Members present

Dr McGirr, *Chair*
Ms Leong, *Deputy Chair*
Mrs Ayyad
Mr Borsak (from 8.53 am)
Dr Kaine (from 8.56 am)
Mrs MacDonald
Ms Wilkinson (via videoconference)

2. Apologies

Mr Donnelly

3. Previous minutes

Resolved, on the motion of Ms Leong: That draft minutes no. 4 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 27 September 2023 – Letter from the Hon Mark Dreyfus KC MP, Attorney-General of Australia to the Chair, providing information about the Australian Government's response to the review of the Modern Slavery Act 2018 (Cth)
- 23 October 2023 – Email from Professor Rahat Munir, Macquarie Business School to the secretariat, providing an invitation to attend a CFO Forum Breakfast – Combating Modern Slavery Risks in the Supply Chain on Tuesday 14 November 2023
- 26 October 2023 – Email from Ms Brigid O'Connor, A/Director, Department of Communities and Justice to the committee, advising the committee of the release of a discussion paper for its review of NSW legal protections against forced marriage.

Sent

- 14 September 2023 – Letter from the Chair to the Hon Mark Dreyfus KC MP, Attorney-General of Australia, requesting information about the Australian Government's response to the review of the *Modern Slavery Act 2018 (Cth)*.

5. Parliamentary Research Service briefing paper

The committee noted that on 13 October 2023, the secretariat circulated to the committee a briefing paper prepared by the Parliamentary Research Service addressing:

- The operation of the Commonwealth's Modern Slavery Act and how it compares to the NSW Act
- The changes that occurred between when the NSW Act was first passed in 2018, compared to the 2021 amendments
- Issues/recommendations arising from the recent review of the Commonwealth Act, and possible relevance to the NSW Act and review.

6. Review of the *Modern Slavery Act 2018***6.1 Public submissions**

The committee noted the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: submission nos. 1-11 and 13-14.

Resolved, on the motion of Ms Leong: That the committee publish submission no. 16.

6.2 Confidential submission

Resolved, on the motion of Dr Kaine: That, as per Schedule 1, 7(1)(b) of the *Modern Slavery Act 2018* the committee keep submission no. 12 and attachment 2 to submission no. 8 confidential, as per the request of the authors.

7. Sequence of questions

Resolved, on the motion of Ms Leong: That the sequence of questions to be asked at hearings is to alternate between each member of the committee, with equal time allocated to each.

8. Evidence of Dr James Cockayne, NSW Anti-Slavery Commissioner

Resolved, on the motion of Dr Kaine: That the committee:

- extend the duration of Dr Cockayne's evidence at the hearing from 45 minutes to one hour

- reduce the duration of the Department of Communities and Justice's evidence at the hearing from 45 minutes to 30 minutes.

9. Briefing from the Clerk of the Parliaments

Resolved, on the motion of Ms Leong: That the committee invite the Clerk of the Parliaments to brief the committee on provisions in the *Modern Slavery Act 2018* relating to the tabling of the NSW Anti-Slavery Commissioner's Annual Report.

10. Public hearing

Witnesses and the public were admitted.

The Chair made an opening statement regarding parliamentary privilege and other matters.

The following witness was sworn and examined:

- Dr James Cockayne, NSW Anti-Slavery Commissioner

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Mr Paul McKnight, Deputy Secretary, Law Reform and Legal Services, NSW Department of Communities and Justice
- Mr Mark Follett, Executive Director, Policy Reform and Legislation, NSW Department of Communities and Justice.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Song Hong, Executive Director, Procurement NSW
- Ms Emma Cooper, A/Director, Procurement Policy, Procurement NSW.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and examined:

- Dr Martijn Boersma, Director, Modern Slavery and Human Trafficking postgraduate programs, University of Notre Dame Australia.

The evidence concluded and the witness withdrew.

The following witnesses were sworn and examined:

- Ms Lydia Shelly, President, NSW Council for Civil Liberties
- Mr Stephen Blanks, Past President, NSW Council for Civil Liberties.

Mr Blanks tendered the following document:

- NSW Government contract modern slavery clauses.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Paul Green, Chairman, The SlaveCheck Foundation
- Mr Tim Murray, CEO, The SlaveCheck Foundation
- Mr Conrad Townson, Principal Advisor, Child Exploitation, Project Paradigm – Integrated Family and Youth Service
- Mr Tony Pignata, Managing Director, Integrated Family and Youth Service.

Mr Green tendered the following documents:

- Correspondence from Mr Kevin Hyland OBE to Mr Paul Green, regarding the SlaveCheck Solution
- SlaveCheck Foundation information sheet regarding modern slavery and SlaveCheck's Profit for Purpose Model
- Correspondence from Mr Paul Green, Chairman, The SlaveCheck Foundation, to the Hon Michael Daley MP, Attorney General regarding a Modern Slavery Innovation Pilot for NSW Government.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Mr Ali Mojtahedi, Chair, Law Society Human Rights Committee, Law Society of NSW
- Mr Simeon Beckett SC, Chair, NSW Bar Association Human Rights Committee
- Ms Madeleine Bridgett, Member, NSW Bar Association Human Rights Committee.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and examined:

- Ms Anne Sheehan, First Assistant Secretary, International Law and Human Rights Division, Attorney-General's Department (via videoconference)
- Ms Frances Finney PSM, Assistant Secretary, Modern Slavery and Human Trafficking Branch, Attorney-General's Department (via videoconference).

The evidence concluded and the witnesses withdrew.

The hearing concluded at 3.37 pm.

11. Evidence relating to the NSW Auditor-General

Resolved, on the motion of Dr Kaine: That the NSW Auditor-General be provided a copy of Dr Cockayne's evidence regarding the NSW Auditor-General's role under the *Modern Slavery Act 2018*, and be invited to provide a response to the committee.

12. Tendered documents

Resolved, on the motion of Mrs MacDonald: That the committee accept and publish the following documents tendered during the public hearing:

- Correspondence from Mr Kevin Hyland OBE to Mr Paul Green, regarding the SlaveCheck Solution, tendered by Mr Green
- SlaveCheck Foundation information sheet regarding modern slavery and SlaveCheck's Profit for Purpose Model, tendered by Mr Green.

Resolved, on the motion of Dr Kaine: That the committee accept and keep confidential the following document tendered during the public hearing:

- Correspondence from Mr Paul Green, Chairman, The SlaveCheck Foundation, to the Hon Michael Daley MP, Attorney General regarding a Modern Slavery Innovation Pilot for NSW Government, tendered by Mr Green.

Resolved, on the motion of Mr Borsak: That the committee accept and, subject to the advice of Mr Blanks, publish the following document tendered during the public hearing:

- NSW Government contract modern slavery clauses.

13. Adjournment

The committee adjourned at 3.43 pm until 9.00 am, Monday 20 November 2023, NSW Parliament House, Sydney (public hearing).

David Rodwell
Committee Clerk

Minutes no. 6

Monday 20 November 2023

Modern Slavery Committee

Macquarie Room, Parliament House, Sydney, 9.15 am

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair*

Mrs Ayyad (via videoconference)

Mr Borsak

Dr Kaine (via videoconference)

Mrs MacDonald
Ms Wilkinson

2. Apologies

Mr Donnelly

3. Previous minutes

Resolved, on the motion of Mr Borsak: That draft minutes no. 5 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 16 November 2023 – Letter from Ms Margaret Crawford PSM, Auditor-General for New South Wales to the Chair, providing information about the Auditor-General's power to conduct modern slavery audits under the Government Sector Audit Act 1983.
- 15 November 2023 – Letter from Dr James Cockayne, NSW Anti-Slavery Commissioner to the Chair, confirming his attendance at a private briefing on 20 November 2023 and providing advice to the committee on facilitating the involvement of people with lived experience expertise in the review of the Modern Slavery Act 2018.
- 13 November 2023 – Email from Witness A requesting that their organisation give in camera evidence to the committee at the hearing on 20 November 2023.

Sent

- 10 November 2023 – Letter from the Chair to Ms Margaret Crawford, NSW Auditor-General inviting her to respond to evidence given by the NSW Anti-Slavery Commissioner at the 30 October 2023 hearing.
- 7 November 2023 – Letter from the Chair to Dr James Cockayne, NSW Anti-Slavery Commissioner inviting him to a private briefing on 20 November 2023 with the committee about facilitating the involvement of people with lived experience expertise in the review of the *Modern Slavery Act 2018*.

5. Correspondence from the Auditor-General for New South Wales

Resolved, on the motion of Ms Leong: That the committee publish the correspondence from the Auditor-General for New South Wales dated 16 November 2023 on the inquiry webpage, subject to the secretariat confirming with the Auditor-General's office that she has no concerns with the publication of her correspondence.

6. Review of the *Modern Slavery Act 2018*

6.1 Submissions

The Committee noted the following submission was published by the committee clerk under the authorisation of the resolution appointing the committee: submission no. 15.

6.2 Answers to questions on notice and supplementary questions

Resolved, on the motion of Ms Wilkinson: That:

- members be required to send supplementary questions to the secretariat within 24 hours of receiving the transcript of the 20 November 2023 hearing
- witnesses be required to respond to supplementary questions and questions on notice within 7 days of receiving them.

7. Public hearing

Sequence of questions

The committee noted that at its 30 October 2023 meeting, it resolved that the sequence of questions to be asked at hearings is to alternate between each member of the committee, with equal time allocated to each.

7.1 *In camera* hearing

Resolved, on the motion of Ms MacDonald: That, as per Schedule 1, 7(1)(a) of the *Modern Slavery Act 2018*, the committee receive evidence from Witness A and Witness B *in camera*.

Resolved, on the motion of Ms Leong: That a support person for Witness A and Witness B be permitted to observe the *in camera* hearing.

The Chair made an opening statement regarding the *in camera* hearing and other matters.

The committee proceeded to take *in camera* evidence.

The following witnesses were sworn and examined:

- Witness A
- Witness B

The evidence concluded and the witnesses withdrew.

Persons present other than the committee: Shaza Barbar, David Rodwell, Faith Aghahowa, Andrew Ratchford, James Ryan, Jessica Feenstra, Catherine Blake, Han Seokhoon and Paul Hoad.

7.2 Public hearing

Witnesses, the public and media were admitted at 10.02 am.

The Chair made an opening statement regarding parliamentary privilege and other matters.

The following witnesses were sworn and examined:

- Professor Jennifer Burn, Director, Anti-Slavery Australia
- Ms Sandeep Dhillon, Human Rights Practice Manager, Anti-Slavery Australia
- Ms Isobel McGarity, Lawyer, Anti-Slavery Australia

The evidence concluded and the witnesses withdrew.

7.3 Tendered documents

Resolved, on the motion of Ms Leong: That the committee accept and keep confidential a document tendered by Witness A and Witness B during the *in camera* hearing, as per Schedule 1, 7(1)(a) of the *Modern Slavery Act 2018*.

8. Private briefing from the NSW Anti-Slavery Commissioner

Dr James Cockayne, NSW Anti-Slavery Commissioner, accompanied by Ms Sarah Shricker, Lived Experience Practice Lead in the Office of the Commissioner, briefed the committee on ways the committee may engage with people with lived experience expertise.

9. Facilitating participation of people with lived experience expertise in review of the *Modern Slavery Act 2018*

The committee discussed ways that it may engage with people with lived experience expertise in future.

10. Private briefing from the Clerks – Tabling of the Anti-Slavery Commissioner's Annual Report

Mr David Blunt AM, Clerk of the Parliaments and Ms Helen Minnican, Clerk of the Legislative Assembly briefed the committee on legislative provisions in the *Modern Slavery Act 2018* relating to the tabling of the NSW Anti-Slavery Commissioner's Annual Report.

11. Adjournment

The committee adjourned at 12.24 pm until 10.00 am, Thursday 14 December 2023, Room 1043, Parliament House (report deliberative).

David Rodwell
Committee Clerk

Minutes no. 7

Thursday 14 December 2023

Modern Slavery Committee

Room 1043, Parliament House, Sydney at 10.00 am

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair* (from 10.05 am)

Mrs Ayyad (from 10.02 am)

Mr Borsak (from 10.01 am)

Mr Donnelly

Dr Kaine

Mrs MacDonald

Ms Wilkinson (via videoconference)

2. Previous minutes

Resolved, on the motion of Mrs MacDonald: That draft minutes no. 6 are confirmed.

3. Correspondence

The committee noted the following items of correspondence:

Received

- 21 November 2023 – Email from Ms Vanessa Gill, Executive Officer, Office of the NSW Auditor-General, advising there are no concerns with the Auditor-General's correspondence dated 16 November 2023 being published by the committee
- 27 November 2023 – Letter from Dr James Cockayne, NSW Anti-Slavery Commissioner to the Chair, seeking to clarify his evidence given during the public hearing on 30 October 2023 and providing additional information to that evidence
- 30 November 2023 – Email from Professor Jennifer Burn, Director, Anti-slavery Australia to the secretariat seeking to clarify her evidence given during the public hearing on 20 November 2023.

Resolved, on the motion of Mrs MacDonald: That the committee authorise:

- the publication of the email from Professor Jennifer Burn, Director, Anti-slavery Australia, received 30 November 2023, providing clarification to her evidence given at the public hearing on 20 November 2023
- the insertion of a footnote at the relevant point in the transcript of 20 November 2023 noting that correspondence clarifying the evidence had been received and providing a hyperlink to the published correspondence.

Resolved, on the motion of Mrs MacDonald: That the committee:

- note that Dr James Cockayne, NSW Anti-Slavery Commissioner's letter received 27 November 2023 providing clarification to his evidence given at the public hearing on 30 October 2023, has been published on the committee's webpage, as agreed by the committee via email
- authorise the insertion of a footnote at the relevant point in the transcript of 30 October 2023 noting that correspondence clarifying the evidence had been received and providing a hyperlink to the published correspondence.

4. Review of the Modern Slavery Act**4.1 Answers to questions on notice and supplementary questions**

The committee noted the following answers to questions on notice and supplementary questions and additional information were published by the committee clerk under the authorisation of the resolution appointing the committee:

- Answers to questions on notice from Project Paradigm, received 21 November 2023

- Answers to question on notice from NSW Law Society, received 24 November 2023
- Answers to questions on notice and supplementary questions, and additional information from Dr James Cockayne, NSW Anti-Slavery Commissioner, received 27 November 2023
- Answers to questions on notice from the Department of Communities and Justice, received 27 November 2023
- Answers to questions on notice and supplementary questions, and additional information from The SlaveCheck Foundation, received 27 November 2023
- Answers to questions on notice and supplementary questions from Procurement NSW, received 28 November 2023
- Answers to questions on notice and additional information from NSW Bar Association, received 29 November 2023
- Answers to questions on notice and supplementary questions from Anti-Slavery Australia, received 30 November 2023
- Answers to questions on notice from Dr Martijn Boersma, Director, Modern Slavery and Human Trafficking postgraduate programs, University of Notre Dame Australia, received 4 December 2023, excluding journal articles provided by Dr Boersma which are already publicly available.

Resolved, on the motion of Dr Kaine: as per Schedule 7(1)(b) of the *Modern Slavery Act 2018*, the committee keep confidential the responses to supplementary questions from Witness A.

4.2 Public submission

The committee noted that submission no. 17 was published by the committee clerk under the authorisation of the resolution appointing the committee.

4.3 Consideration of Chair's draft report

The Chair submitted his draft report entitled '*Review of the Modern Slavery Act 2018*', which, having been previously circulated, was taken as being read.

Resolved, on the motion of Mr Donnelly: That paragraph 1.23 be amended by inserting at the end: 'However, while the Modern Slavery Bill 2018 received royal assent, it was not proclaimed. Accordingly, the legislation did not commence operation.'

Resolved, on the motion of Ms Leong: That the following new paragraph be inserted after paragraph 1.23: 'The *Modern Slavery Act 2018* (NSW) did not come into force until 1 January 2022 following amendments made in 2021.'

Resolved, on the motion of Ms Leong: That the following new paragraph be inserted before paragraph 2.1: 'In the Anti-slavery Commissioner's evidence he stated that modern slavery remains dangerously undetected and unexposed in NSW, with only around 120 to 230 cases out of a possible 16,400 cases being reported each year, and there is reason to believe that 80 to 98 per cent of victim-survivors in NSW may remain unidentified, unassisted and unsupported.'

Resolved, on the motion of Ms Leong: That paragraph 2.4 be amended by:

- (a) omitting 'and not believing that coming forward is an option' after 'retraumatisation'
- (b) inserting 'or' before 'retraumatisation'.

Resolved, on the motion of Ms Leong: That the following new paragraph be inserted after paragraph 2.4: 'It should be noted that the Law Society of NSW expressed concern in their submission that "victim survivors are still being directed into the criminal justice system as an initial response" and that "on the NSW Anti-slavery Commissioner's website, the links to help and support are to the email of the Office of the NSW Anti-Slavery Commissioner and the Australian Federal Police only".'

[FOOTNOTE: Submission 3, Law Society of NSW, p 2.]

Resolved, on the motion of Ms Leong: That paragraph 2.6 be amended by inserting 'in part due to the role's lack of investigative powers' after 'he has little practical ability'.

Resolved, on the motion of Ms Leong: That the following new paragraph be inserted before paragraph 2.15:

'S 12(d) requires the Commissioner to establish and maintain a hotline (or utilise a hotline maintained by another person or body) for provision of advice and assistance to children and other persons who are, or may be, victims of modern slavery. To-date, this hotline has not been established.'
[FOOTNOTE: *Modern Slavery Act 2018* s 12.]

Resolved, on the motion of Ms Leong: That the following new paragraph be inserted after paragraph 2.19: 'Anti-Slavery Australia stated in their answers to supplementary questions that they also run a hotline where they receive referrals from other third parties – however that there is a "distinction between an information and referral service such as that offered by LawAccess NSW and legal advice hotlines such as the type maintained by Anti-Slavery Australia".'

[FOOTNOTE: Answers to supplementary questions, Anti-Slavery Australia, p 3.]

Resolved, on the motion of Ms Leong: That the following new paragraphs be inserted after paragraph 2.53 using direct quotes from the Anti-slavery Commissioner's evidence:

'The Commissioner's evidence also stated that many victim-survivors have told him in the last year they were threatened with loss of visa status and deportation, humiliation, or violence against themselves and their families if they reported their situation.'

Many services exclude those who are not Australian citizens or permanent residents – made especially problematic given the over-representation of those lacking long-term visas in the homeless population.'

[FOOTNOTE: Submission 8, NSW Anti-slavery Commissioner, p 14; Answers to questions on notice, Dr James Cockayne, NSW Anti-slavery Commissioner, p 14.]

Resolved, on the motion of Ms Leong: That the following paragraph be inserted after paragraph 2.80 using direct quotes from Dr Martijn Boersma's evidence:

'Dr Boersma proposed the recommendation that NSW government bodies, councils and state-owned corporations should be encouraged to consider the range of exploitative practices that individual may ensure, recognising that the presence of "minor" labor rights issues can serve as a catalyst for more severe abuses'.

[FOOTNOTE: Evidence, Dr Martijn Boersma, University of Notre Dame, 30 October 2023, p 24.]

Resolved, on the motion of Ms Leong: That the heading before paragraph 2.103 be amended by omitting 'Compliance burden' and inserting instead 'Adequately resourcing compliance obligations'.

Resolved, on the motion of Ms Leong: That the heading before paragraph 2.109 be amended by omitting 'Centring lived experience voices' and inserting instead 'Centring lived experience expertise'.

Resolved, on the motion of Ms Leong: That paragraph 2.114 be omitted: 'Expanding on his submission in evidence to the committee, the Commissioner said that consulting people with lived experience expertise is "simply a question of good user design", and that effective policies 'should be based on close consultation with at a minimum and potentially co-designed with those that the policies are seeking to support and benefit.' The Commissioner noted however, this can be traumatising for survivors,' and the following new paragraph be inserted instead using direct quotes from the Anti-slavery Commissioner's evidence:

'Expanding on his submission in evidence to the committee, the Commissioner noted that consulting people with lived experience expertise can be traumatising for survivors. However, he also said that consulting people with lived experience expertise is 'simply a question of good user design', and that effective policies 'should be based on close consultation with at a minimum and potentially co-designed with those that the policies are seeking to support and benefit.'

Resolved, on the motion of Ms Leong: That the heading before paragraph 2.119 be amended by omitting 'Victims' rights and support' and inserting 'Victim-survivors' rights and support'.

Resolved, on the motion of Ms Leong: That paragraph 2.125 be amended by omitting 'various reasons why victims' and inserting 'various reasons why victim-survivors'.

Resolved, on the motion of Ms Leong: That the heading before paragraph 2.128 be amended by omitting 'Access to critical services for victims of modern slavery' and inserting instead 'Access to critical services for victim-survivors of modern slavery'.

Resolved, on the motion of Ms Leong: That paragraphs 1.7, 2.2, 2.4, 2.10, 2.24, 2.25, 2.30, 2.46, 2.47, 2.57, 2.91, 2.92, 2.129, 2.130 and 2.131 be amended by omitting 'victims' and inserting instead 'victim-survivors'.

Resolved, on the motion of Ms Leong: That the introductory paragraph to Chapter 2 and paragraphs 2.109 and 2.117 be amended by omitting 'the voices of' before 'people with lived experience expertise' or 'those with lived experience expertise'.

Resolved, on the motion of Ms Leong: That paragraph 2.148 be amended by omitting 'the voices of people with lived experience' and inserting instead 'the expertise of people with lived experience'.

Resolved, on the motion of Dr Kaine: That the following new finding be inserted after paragraph 2.149:

'Finding X

That the committee needs to involve people with lived experience expertise in its review of the Act before making further recommendations, noting that this has not been possible given the requirement to complete the report within 24 months of the commencement of the Act.'

Resolved, on the motion of Mrs Ayyad: That Recommendation 1 be amended by:

- a. omitting 'That the Modern Slavery Committee commence a second review of the *Modern Slavery Act 2018*' and inserting 'That the Modern Slavery Committee continue to review the *Modern Slavery Act 2018*'
- b. omitting 'that specifically seeks' after 'the next six months' and inserting 'specifically seeking'
- c. omitting 'considers the evidence received in the first review' and inserting 'considering the evidence already received.'

Resolved, on the motion of Mrs MacDonald: That:

The draft report, as amended, be the report of the committee and that the committee present the report to both Houses of Parliament;

The transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry be tabled in the Legislative Council with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, submissions, tabled documents, answers to questions on notice and supplementary questions, and correspondence relating to the inquiry, be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

The secretariat is tabling the report on 19 December 2023;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

4.4 Take Note debate

Resolved, on the motion of Mr Borsak: That when the committee's report has been tabled, Mrs MacDonald move a motion in the Legislative Council under Standing Order 239 for a Take Note debate on the report.

4.5 Anti-slavery Commissioner's response to the committee's report

Resolved, on the motion of Dr Kaine: That the Chair write to the Anti-slavery Commissioner inviting him to respond to the committee's report by the end of February 2024.

5. Commonwealth Parliamentary Association UK workshop – *Modern Slavery in Supply Chains*

The Chair, Deputy Chair and Mr Alex Stedman, Director, Legislative Council Committees briefed the committee on the Commonwealth Parliamentary Association UK workshop they attended in Nairobi, Kenya from 14-16 November 2023.

6. Adjournment

The committee adjourned at 12.01pm, *sine die*.

David Rodwell

Committee Clerk

Minutes no. 8

Monday 29 April 2024

Modern Slavery Committee

Via videoconference at 11.02 am

1. Members present

Dr McGirr, *Chair*

Mrs Ayyad (from 11.12 am)

Mr Borsak

Mr Donnelly

Dr Kaine

Mrs MacDonald

2. Apologies

Ms Leong, *Deputy Chair*

Ms Wilkinson

3. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 7 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 24 January 2024 – Email from Anti-slavery Commissioner's Office, advising on the release of the Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains
- 27 February 2024 – Email from Mr Paul Green to the secretariat, attaching 1) letter offering to the committee support in seeking evidence from people with lived experience 2) Recommendations for Helpline Design and Operation from People with Lived Experience of Modern Slavery
- 29 February 2024 – Email from Igor Nossar, John Owen and Luigi Amoresano to the committee requesting an extension to 19 April 2024 to lodge a submission to the inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW) and providing a paper by Igor Nossar entitled 'The Scope for Appropriate Cross-Jurisdictional Regulation of International Contract Networks (Such as Supply Chains): Recent Developments in Australia and their Supra-National Implications', dated 17 April 2007
- 21 March 2024 – Email from Mr Craig Giles to the Chair, requesting to meet with the committee to introduce an educational resource to combat human trafficking
- 24 April 2024 – Invitation from Ms Sarah Dickson, Chief Executive, CPA UK, requesting that legislatures nominate delegates to attend the CPA UK workshop, Legislative Strengthening Seminar to Address Gender-Based Violence and Modern Slavery in Supply Chains from 16 to 18 July in Westminster, London.

Sent

- 4 April 2024 – Email from the secretariat, to Dr James Cockayne, Anti-slavery Commissioner, advising that the committee has published an erratum to its report on the review of the *Modern Slavery Act 2018*
- 4 April 2024 – Email from the secretariat, to Ms Madeleine Bridgett, NSW Bar Association, advising that the committee has published an erratum to its report on the review of the *Modern Slavery Act 2018*.

Resolved, on the motion of Mr Donnelly:

- That the Chair respond to Mr Giles thanking him for the offer to meet with the committee and advising that he is welcome to make a submission to the committee in a future inquiry
- That the Chair respond to Mr Paul Green thanking him for the offer to support the committee to seek evidence from lived experience witnesses and advising that the committee will be pursuing evidence from those with lived experience expertise through other means.

5. Invitation to attend Commonwealth Parliamentary Association UK (CPA UK) – Legislative Strengthening Seminar to Address Gender-Based Violence and Modern Slavery in Supply Chains

Resolved, on the motion of Mr Donnelly: That Dr McGirr and Dr Kaine be nominated to attend the CPA UK Legislative Strengthening Seminar to Address Gender-Based Violence and Modern Slavery in Supply Chains from 16 to 18 July in Westminster, London.

6. Briefing from Anti-slavery Commissioner on Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains

Resolved, on the motion of Mrs MacDonald: That the committee request a private briefing from the Anti-slavery Commissioner on the Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains, on a date to be determined by the Chair in consultation with members.

7. NSW Anti-slavery Forum

The committee noted that the NSW Anti-slavery Forum will be held in Sydney on 21 and 22 May 2024.

8. Inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW)

8.1 Public submissions

The committee noted that the following submissions were published by the committee clerk under the authorisation of the resolution appointing the committee: 1-7.

8.2 Extension request

The committee noted that it agreed via email to the request from Igor Nossar and John Owen, who were involved in the design and operation of the Scheme, and their research associate Luigi Amoresano to lodge a submission by 19 April 2024.

8.3 Conduct of inquiry

Resolved, on the motion of Dr Kaine: That the committee:

- hold one hearing in June 2024 the date of which is to be determined by the Chair after consultation with members regarding their availability
- report by 30 August 2024.

9. Review of the *Modern Slavery Act 2018*

9.1 Erratum to report no. 1

The committee noted that it agreed via email that:

- the committee publish the Commissioner's response to the report on the Review of the *Modern Slavery Act 2018* on the committee's website
- the committee issue an erratum correcting an error in paragraph 2.88, publish it on the committee's website and link to it on the first page of the report and in the footnote to paragraph 2.88
- the Chair write to the Clerks of both Houses advising them of the error and requesting that it be corrected in the official tabled records
- the secretariat write to the Commissioner and Ms Bridgett (who is referenced in paragraph 2.88) advising them of the correction.

9.2 Continuation of the Review of the *Modern Slavery Act 2018*

In its first report, the committee made the following finding and recommendation:

Finding 1

That the committee needs to involve people with lived experience expertise in its review of the Act before making further recommendations, noting that this has not been possible given the requirement to complete the report within 24 months of the commencement of the Act.

Recommendation 1

That the Modern Slavery Committee continue to review the Modern Slavery Act 2018 in the next six months specifically seeking evidence from people with lived experience expertise and considering the evidence already received.

Resolved, on the motion of Mrs MacDonald: That the committee continue its review of the *Modern Slavery Act 2018*.

The committee discussed the Chair's proposal for how the committee should engage with individuals with lived experience expertise.

Resolved, on the motion of Dr Kaine:

- That the committee adopt the proposal for how the committee should engage with individuals with lived experience expertise, including that:
 - the secretariat identify potential witnesses by:
 - requesting assisting from the Anti-slavery Commissioner, Global Fund and Survivors Alliance to nominate individuals with lived experience expertise who may be willing to meet with the committee
 - a general call out allowing individuals with lived experience to nominate to meet with the committee or to provide a written submission
 - the secretariat prepare a short briefing document with the invitation/call out outlining options for how people can participate, details of the committee and members, and information about the inquiry, including supports offered
 - once potential witnesses are identified, the secretariat speak with each individuals to explain the committee's work and determine their preferences about meeting with the committee
 - the secretariat provide a list of potential witnesses to the committee, including a short biography and a proposal for how contributions will be made
 - the secretariat prepare witnesses for their appearance by:
 - providing a verbal briefing and follow up with written confirmation
 - inviting individuals to attend 15 minutes before their scheduled time to meet with the committee informally and familiarise themselves with the meeting room
 - inviting individuals to bring a support person if they wish
 - following each session, the secretariat debrief with the individual and send a thank you letter on behalf of the Chair
 - the secretariat liaise with the Anti-slavery Commissioner regarding training for the committee and secretariat to ensure questions and interactions with the individuals with lived experience are trauma-informed
 - the committee engage a counselling service to provide support on site and, with the permission of individuals, after meeting with the committee
 - the committee hold hearings/meetings in smaller meeting rooms and take an informal/conversational approach to questioning
- the secretariat seek feedback from the Anti-slavery Commissioner on the committee's agreed approach to engaging individuals with lived experience.

10. Adjournment

The committee adjourned at 11.37 am, *sine die*.

Lauren Evans

Committee Clerk

Minutes no. 9

Friday 7 June 2024

Modern Slavery Committee

Macquarie Room, Parliament House, Sydney at 9.15 am

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair*

Mrs Ayyad

Mr Borsak (until 1.45 pm)

Mr Donnelly (via videoconference)

Dr Kaine

2. Change in committee membership

The Chair noted the resolution of the Legislative Assembly of Thursday 6 June 2024 discharging Ms Kylie Wilkinson from the committee and appointing Ms Lynda Voltz to the committee.

3. Apologies

Mrs MacDonald

Ms Voltz

4. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no.8 be confirmed.

5. Correspondence

The committee noted the following items of correspondence:

Received:

- 2 May 2024 – Email from Mr Igor Nossar, Mr John Owen and Mr Luigi Amoresano to the committee, requesting that the attachments to their submission (no. 7) be made public and published online
- 7 May 2024 – Email from Mr Tom Pecipajkovski, National Spokesman, Jehovah's Witnesses Australasia to the committee requesting that certain pages of submission no. 17 to the review of the *Modern Slavery Act 2018* be removed due to defamatory, offensive and false information about the religion of Jehovah's Witnesses
- 9 May 2024 – Email from Mr Craig Giles to the committee, requesting the committee's assistance in disseminating his human trafficking fictional feature film and educational resources
- 22 May 2024 – Email from Ms Anne Charlton, NSW Council of Civil Liberties to the committee, declining invitation to give evidence at the hearing on 7 June 2024 for the inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW)
- 26 May 2024 – Email from Dr James Cockayne, Anti-slavery Commissioner to the committee, declining invitation to give at the hearing on 7 June 2024 for the inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW) and noting he would be able to attend a hearing at a later date or respond to written questions if required.

Sent:

- 29 May 2024 – Letter from Dr Joe McGirr, Chair of the committee to Mr Paul Green, SlaveCheck, thanking him for the offer to support the committee to seek evidence from lived experience witnesses and advising that the committee will be pursuing evidence from those with lived experience expertise through other means
- 29 May 2024 – Letter from Dr Joe McGirr, Chair of the committee to Mr Craig Giles, thanking him for the offer to meet with the committee and advising that he is welcome to make a submission to the committee in a future inquiry.

6. Review of the Modern Slavery Act**6.1 Briefing and training with Anti-slavery Commissioner**

The committee noted that a briefing on the *Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains* and training for the committee and secretariat on how to engage with individuals with modern slavery lived experience has been confirmed for Friday 2 August 2024. The report deliberative for the inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW) has been scheduled for the same day and will commence following the conclusion of the briefing and training with the Commissioner.

6.2 Submission no. 17

Resolved, on the motion of Dr Kaine: That the news article (pages 31-38) from submission no. 17 to the review of the Modern Slavery Act 2018 be redacted.

7. Inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW)**7.1 Attachments to submission no. 7**

Resolved, on the motion of Dr Kaine: That:

- attachment no.10 be made public with the exception of photographs included in the document (pages 7-11 and 15-17).
- attachments nos. 3, 4, 6 and 7 be made public subject to the secretariat confirming whether they are already public documents
- all remaining attachments (1-2, 5, 8-16) be made public.

7.2 Sequence of questioning

Resolved, on the motion of Ms Leong: That the allocation of questions to be asked at the hearing be left in the hands of the Chair.

7.3 Public hearing

Witnesses, the public and the media were admitted.

The Chair made an opening statement regarding the broadcasting of proceedings and other matters.

The following witnesses were sworn and admitted:

- Mr Igor Nossar, Former Chief Advocate, TCFUA (NSW Branch), Former Advisor to the International Transport Workers' Federation (ITF), Independent Scholar
- Mr Luigi Amoresano, Former National President, Textile Clothing Footwear Union of Australia (TCFUA), Former State Secretary, TCFUA (NSW Branch).

Mr Nossar tabled a revised copy of his submission no.7, co-authored with Mr Owen and Mr Amoresano.

The evidence concluded and the witnesses withdrew.

The following witnesses were sworn and admitted:

- Dr Martijn Boersma, Associate Professor, Work and Organisational Studies, University of Sydney
- Dr Chris F. Wright, Associate Professor, Work and Organisational Studies, University of Sydney.

The evidence concluded and the witnesses withdrew.

The following witness was sworn and admitted:

- Ms Rachel Reilly, National Manager, Ethical Clothing Australia.

The evidence concluded and the witness withdrew.

The following witness was sworn and admitted.

- Ms Vivienne Wiles, Senior National Industrial Officer, Construction, Forestry and Maritime Employees Union (CFMEU) (Manufacturing Division).

The evidence concluded and the witness withdrew.

Mr Borsak left the meeting.

The following witness was sworn and admitted.

- Ms Marina Rizzo, Executive Director, NSW Industrial Relations, Premier's Department.

The evidence concluded and the witness withdrew.

The public hearing concluded at 2.30 pm.

The public and the media withdrew.

7.4 Submission no. 7

Resolved, on the motion of Mr Donnelly: That the committee accept and publish the replacement submission tabled by Mr Nossar.

7.5 Further hearing

The committee noted that Thursday 27 June 2024 has been confirmed for a further hearing with the Anti-slavery Commissioner for the inquiry Ethical Clothing Extended Responsibilities Scheme 2005 (NSW).

Resolved, on the motion of Ms Leong: That an officer within Compliance and Outwork Outreach team at the Construction, Forestry and Maritime Employees Union (CFMEU) (Manufacturing Division) be invited to appear before the committee on Thursday 27 June 2024.

8. Adjournment

The committee adjourned at 2.35 pm until Thursday 27 June 2024, Macquarie Room, NSW Parliament (Ethical Clothing Scheme inquiry – public hearing).

Lauren Evans

Committee Clerk

Minutes no. 11

Friday 2 August 2024

Modern Slavery Committee

Room 1043, Parliament House, Sydney at 9.34 am

1. Members present

Dr McGirr, *Chair*

Mrs Ayyad (via videoconference)

Mr Borsak (via videoconference)

Mr Donnelly

Dr Kaine

Mrs MacDonald

2. Apologies

Ms Leong

Ms Voltz

3. Briefing and training session with the Anti-slavery Commissioner

Dr James Cockayne, Anti-slavery Commissioner and his office provided a briefing and training session on:

- the Anti-slavery Commissioner's Guidance on Reasonable Steps to Manage Modern Slavery Risks in Operations and Supply-Chains, published in December 2023
- how to engage with individuals with modern slavery lived experience.

Dr Cockayne was accompanied by:

- Lucy Forbes, A/Senior Legal Policy Officer, Business & Human Rights, Office of the Anti-slavery Commissioner
- Sarah Schricker, Lived Experience Practice Lead, Office of the Anti-slavery Commissioner
- Yvette Proud, Program Coordinator, The Lived Experience Engagement Program (LEEP), Trafficking and Slavery Safe House, The Salvation Army Australia
- Emma Dalco, Policy and Projects Officer, Business & Human Rights, Office of the Anti-slavery Commissioner
- Tim O'Connor, Manager Communications and Engagement, Office of the Anti-slavery Commissioner.

4. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 10 be confirmed.

5. Correspondence

The committee noted the following items of correspondence:

Received:

- 24 June 2024 – Email from Craig Giles to the committee, thanking the committee for its correspondence, dated 29 May 2024, and providing further information on the updated Get Free Social Justice Course and a short documentary and the Get Free Dramatic Film
- 5 July 2024 – Email from Ms Rachel Reilly, National Manager, Ethical Clothing Australia, to the committee, providing answers to questions on notice and requesting that additional information provided be kept confidential
- 25 July 2024 – Email from Mr Jake Moran, Project Officer, Commonwealth Parliamentary Association UK (CPA UK) to the Chair, inviting him to make a contribution to the CPA UK Modern Slavery ehandbook.

Sent:

- 28 June 2024 – Letter from the committee to Mr Igor Nossar, former Chief Advocate for the TCFUA, requesting that he provide further information on the Ethical Clothing Trades Council for the inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW).

Resolved, on the motion of Dr Kaine: That the secretariat prepare a draft contribution to chapters 1 and 2 of the CPA UK Modern Slavery ehandbook and circulate to the committee for comment.

6. Review of the Modern Slavery Act 2018

Resolved, on the motion of Mr Donnelly: That the committee:

- hold two days of hearings/private meetings in September/October 2024, the dates of which are to be determined by the Chair after consultation with members regarding their availability.
- report by 13 December 2024.

7. Inquiry into the Ethical Clothing Extended Responsibilities Scheme 2005 (NSW)**7.1 Answers to questions on notice and additional information**

The following answers to questions on notice and additional information were published by the committee clerk under the authorisation of the resolution appointing the committee:

- answers to questions on notice from Ms Vivienne Wiles, Senior National Industrial Officer, Construction, Forestry and Maritime Employees Union (CFMEU) (Manufacturing Division), received 5 July 2024
- answers to questions on notice from Ms Rachel Reilly, National Manager, Ethical Clothing Australia, received 5 July 2024
- answers to questions on notice from Ms Marina Rizzo, Executive Director, NSW Industrial Relations, Premier's Department, received 5 July 2024
- answers to questions on notice from Dr James Cockayne, Anti-slavery Commissioner and Dr Justine Coneybeer, Office of the Anti-slavery Commissioner, received 9 July 2024
- additional information from Mr Igor Nossar, former Chief Advocate for the TCFUA, received on 9 July 2024
- answers to questions on notice and additional information from Mr Igor Nossar and Mr Luigi Amoresano, received 11 July 2024.

Resolved, on the motion of Mrs MacDonald: That the committee keep confidential the additional information provided by Ethical Clothing Australia on 5 July 2024.

7.2 Consideration of Chair's draft report

The Chair submitted his draft report entitled *Ethical Clothing Extended Responsibilities Scheme 2005 (NSW)*, which, having been previously circulated, was taken as being read.

Chapter 1

Resolved, on the motion of Dr Kaine: That paragraph 1.74 be amended by:

- (a) omitting 'protected' and inserting instead 'empowered'
- (b) omitting 'protect these workers' and inserting instead 'prevent, expose and end exploitation of workers'.

Chapter 2

Resolved, on the motion of Dr Kaine: That paragraph 2.86 be amended by omitting 'the Scheme's obligations are now weaker than what is currently expected under Australia's international commitments' and inserting instead 'the Scheme does not reflect current expectations under Australia's international commitments'.

Resolved, on the motion of Dr Kaine: That paragraph 2.95 be amended by omitting 'monitoring and ensuring compliance' and inserting instead 'implementation of'.

Resolved, on the motion of Dr Kaine: That paragraph 2.126 be omitted: 'The NSW Anti-slavery Commissioner expressed that given the potential reasons for its disuse in the past decade or so, the Scheme is "hostage to the political will of Scheme participants, including the government of the day".'

Resolved, on the motion of Dr Kaine: That paragraph 2.162 be amended by omitting 'NSW Anti-slavery Commissioner' after the 'NSW Government'.

Resolved, on the motion of Dr Kaine: That the following new finding be inserted after paragraph 2.165:

Finding X

Unions and workers with direct experience in the textile, clothing and footwear industry, relevant language skills and cultural awareness are best placed to undertake outreach with outworkers.'

Resolved, on the motion of Dr Kaine: That:

- (a) paragraph 2.166 be amended by omitting 'the CFMEU – Manufacturing Division' and inserting instead 'the relevant unions'
- (b) Recommendation 4 be amended by omitting 'the CFMEU – Manufacturing Division' and inserting instead 'the relevant unions'.

Resolved, on the motion of Dr Kaine: That paragraph 2.167 be amended by omitting 'NSW Industrial Relations and CFMEU's Outwork and Compliance Team' and inserting instead 'relevant stakeholders'.

Resolved, on the motion of Dr Kaine: That paragraph 2.167 be amended by omitting 'This should include' and inserting instead 'The assessment should include consideration of'.

Resolved, on the motion of Dr Kaine: That Recommendation 5 be amended by:

- (a) omitting 'NSW Industrial Relations and CFMEU's Outwork and Compliance Team' and inserting instead 'relevant stakeholders'.
- (b) omitting 'This should include' and inserting instead 'The assessment should include consideration of'.

Resolved, on the motion of Mr Donnelly: That:

The draft report as amended be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and additional information relating to the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and additional information related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

The report be tabled in both Houses on 8 August 2024;

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

8. Adjournment

The committee adjourned at 12.15 pm, *sine die*.

Lauren Evans

Committee Clerk

Minutes no. 12

Wednesday 18 September 2024

Modern Slavery Committee

Room 814, Parliament House, Sydney at 9.06 am

1. Members present

Dr McGirr, *Chair*

Mrs Ayyad (via teleconference)

Mr Borsak

Mrs MacDonald

2. Apologies

Ms Leong, *Deputy Chair*

Mr Donnelly

Dr Kaine

3. Previous minutes

Resolved, on the motion of Mrs MacDonald: That draft minutes no. 11 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 29 August 2024 – Email from Dr Tiffany McComsey, Chief Executive Officer, Kinchela Boys Home Aboriginal Corporation to the committee, inviting committee members to attend the 100th Anniversary of the Kinchela Boys Home
- 13 September 2024 – Email from Briony Camp, Policy and Campaigns Lead, International Justice Mission Australia to Chair, enquiring about the scope of the review of the Modern Slavery Act 2018.

Sent

- 10 September 2024 – Letter from Chair to Dr James Cockayne, NSW Anti-slavery Commissioner, thanking him for the briefing and training session on 2 August 2024 and requesting assistance in nominating lived experience witnesses for the review of the *Modern Slavery Act 2018*
- 10 September 2024 – Letter from Chair to Minh Dang, Executive Director, Survivor Alliance, requesting assistance in nominating lived experience witnesses for the review of the *Modern Slavery Act 2018*
- 10 September 2024 – Letter from Chair to Sophie Otiende, Chief Executive Officer, Global Fund to End Modern Slavery, requesting assistance in nominating lived experience witnesses for the review of the Modern Slavery Act 2018.

5. Briefing with the Anti-slavery Commissioner

Dr James Cockayne, Anti-slavery Commissioner and his office provided a briefing on his report entitled 'Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional NSW'.

Dr Cockayne was accompanied by:

- Ms Sophia Kagan, Principal Policy Adviser, Labour Migration, Office of the Anti-slavery Commissioner
- Mr Moe Turaga, Survivor Advocate, Member, Anti-slavery Commissioner's Advisory Panel
- Ms Biba Honnet, Team Leader, North Coast Settlement Services, St Vincent de Paul Society, Member, Anti-slavery Commissioner's Advisory Panel
- Mr Ken Dachi, Multicultural Affairs Adviser, Leeton Shire Council
- Mr Tim O'Connor, Communications and Engagement Manager, Office of the Anti-slavery Commissioner

6. Adjournment

The committee adjourned at 9.48 am until Tuesday 29 October 2024, Room 814, Parliament House (hearing – Review of *Modern Slavery Act 2018*).

Shaza Barbar

Committee Clerk

Minutes no. 13

Thursday 10 October 2024

Modern Slavery Committee

Via videoconference at 1.01 pm

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair*

Mrs Ayyad (from 1.06 pm)

Mr Donnelly

Dr Kaine

Ms Voltz

2. Apologies

Mrs MacDonald

Mr Borsak

3. Correspondence

The committee noted the following items of correspondence:

Received

- 17 September 2024 – Email from Sally Irwin, Founder, The Freedom Hub, enquiring about compensation available to individuals with lived experience of modern slavery who participate in the review of the *Modern Slavery Act 2018*
- 19 September 2024 – Email from Alan Dayeh, NSW Anti-Slavery Commission Advisory Panel Member, asking what provisions or processes are available to individuals who participate in the review of the *Modern Slavery Act 2018* who are victims yet cannot afford to miss any time from work
- 25 September 2024 – Letter from Dr James Cockayne, NSW Anti-slavery Commissioner to the committee, suggesting potential witnesses for the review of the *Modern Slavery Act 2018*
- 27 September 2024 – Email from Mr Tim O'Connor, Communications and Engagement Manager, Office of the Anti-slavery Commissioner, to the Chair seeking an opportunity for the Anti-slavery Commissioner to brief all MPs on the report entitled *Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional NSW*
- 3 October 2024 – Email from Shae Meddings, National Risk & Assessment Manager, Converge International, to the secretariat providing a proposal and quote for counselling support to witnesses participating in the review of the *Modern Slavery Act 2018*
- 8 October 2024 – Letter from Dr Joe McGirr, Ms Jenny Leong and Dr Sarah Kaine, requesting a meeting of the Modern Slavery Committee to consider a proposed self-reference into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales
- 9 October 2024 – Letter from Dr James Cockayne, NSW Anti-slavery Commissioner to the Chair, providing a report of Canada's Standing Senate Committee on Social Affairs, Science and Technology entitled 'Act Now: Solutions for temporary and migrant labour in Canada' for the committee's consideration of a new inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales

Resolved, on the motion of Dr Kaine: That the committee keep the correspondence from Dr James Cockayne suggesting potential witnesses for the review of the *Modern Slavery Act 2018*, dated 25 September 2024, confidential, as per the request of the author.

4. Consideration of terms of reference

The Chair tabled a letter proposing the following terms of reference for an inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales:

That the Modern Slavery Committee inquire into and report on modern slavery risks faced by temporary migrant workers in rural and regional New South Wales, and in particular:

- a. lived experience of temporary migrant workers in rural and regional New South Wales working in agriculture, horticulture, meat processing and other sectors reliant on temporary migrant labour
- b. incidence, causes and extent of forced labour, deceptive recruiting, gender-based violence, sexual servitude and labour trafficking
- c. wage related violations such as underpayment and excessive deductions
- d. structural factors that make temporary migrant workers vulnerable to exploitation
- e. worker conditions and labour practices of direct employers and labour hire companies, including the adequacy of regulations governing both
- f. adequacy of monitoring, compliance and enforcement of workplace laws, including health and safety laws

- g. support and resources needed by local communities, NSW Government frontline agencies and non-government service providers to support at-risk and vulnerable temporary migrant workers, including education, training and cultural capability needs
- h. the impact of visa settings and conditions of employment on temporary migrant workers in rural and regional New South Wales
- i. adequacy of interjurisdictional/cross-government cooperation and data sharing in the provision of accommodation, medical care and other essential services to temporary migrant workers
- j. potential protections for temporary migrant workers through State based interventions
- k. any other related matters.

Resolved, on the motion of Mr Donnelly: That the terms of reference be amended by:

- omitting 'wage related violations such as underpayment and excessive deductions' and inserting instead 'violations relating to wages, allowances, superannuation, leave entitlements, workers compensation, piecework payments, such as underpayment, excessive deductions and debt bondage arrangements'
- inserting after item (e) 'confiscation of passports and other personal identification'.

Resolved, on the motion of Ms Leong: That the committee adopt the terms of reference as amended.

5. Conduct of the inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales

5.1 Closing date for submissions

Resolved, on the motion of Mr Donnelly: That the closing date for submissions be 31 January 2025.

5.2 Stakeholder list

Resolved, on the motion of Dr Kaine:

- the secretariat circulate to members the Chair's proposed list of stakeholders to be invited to make a submission
- members have two days from when the Chair's proposed list is circulated to make amendments or nominate additional stakeholders
- the committee agree to the stakeholder list by email, unless a meeting of the committee is required to resolve any disagreement.

5.3 Hearing dates

Resolved, on the motion of Ms Leong: That the timeline for hearings, including engagement with individuals with lived experience, be considered by the committee following the receipt of submissions. Further, that hearing dates be determined by the Chair after consultation with members regarding their availability.

5.4 Translation of committee materials into languages other than English

Resolved, on the motion of Ms Voltz: That committee materials promoting the inquiry and explaining the submission process, be translated into languages other than English to overcome any language barriers to participation, with Ms Voltz to provide a list of relevant languages to the secretariat.

6. Briefing of all MPs on the Anti-slavery Commissioner's *Be Our Guests* report

The committee considered correspondence to the Chair advising that the Commissioner would like to hold a briefing with all MPs (via videoconference) on his latest report on working conditions for temporary migrant workers in New South Wales, namely *Be Our Guests: Addressing urgent modern slavery risks for temporary migrant workers in rural and regional NSW*.

The Chair also noted that the United Nations Special Rapporteur on Contemporary Forms of Slavery will be visiting Australia in November 2024 and his office has been made aware of the upcoming visit.

Resolved, on the motion of Ms Leong: That:

- the committee host a special breakfast presentation from the United Nations Special Rapporteur on Contemporary Forms of Slavery for all MPs at NSW Parliament

- the Chair liaise with the Anti-slavery Commissioner to recommend that his office approaches the NSW Attorney-General regarding the all MP briefing on the *Be Our Guests* report.

7. Review of the *Modern Slavery Act 2018*

7.1 Proposed witnesses

The committee noted that the list of proposed witnesses was circulated via email, and that it agreed to:

- Prioritise individuals with lived experience of modern slavery before seeking input from individuals with experience in supporting or advocating for survivors of modern slavery
- Contact the Survivor Advisory Council to seek nominations as per the NSW Anti-slavery Commissioner's suggestion.

Resolved, on the motion of Ms Leong: That the committee prioritise speaking to individuals with lived experience of modern slavery that occurred in New South Wales before seeking input from individuals with lived experience of modern slavery that occurred interstate or overseas.

7.2 Compensation for inquiry participants

The committee considered correspondence from Sally Irwin, The Freedom Hub, asking whether compensation will be available to inquiry participants and from Alan Dayeh, NSW Anti-slavery Commission Advisory Panel, asking what provisions or processes are available to individuals who are victims yet cannot afford to miss any time from work.

In considering the questions from Sally Irwin and Alan Dayeh, the committee noted that:

- In consultation with the Chair, the secretariat did some preliminary research on this issue, to assist the committee with its deliberations on this matter.
- As far as the secretariat is aware, no Legislative Council committee (nor any parliamentary committee of an Australian legislature) has ever paid inquiry participants for voluntarily giving evidence or writing a submission, despite many sensitive inquiries that have heard from individuals with lived experience, including inquiries into birth trauma, the Stolen Generations and gay hate crimes. Paying inquiry participants for their time would therefore set a significant precedent for the Legislative Council.
- The payment of inquiry participants raises a number of challenging practical and ethical considerations. For example, would all participants with lived experience be compensated or only some? How would a committee determine the amount to pay individuals? What is the possible impact on inquiry participants from the same inquiry or a different inquiry who do not receive financial payment? How would compensation be determined for submission authors? Would the secretariat liaise with individual inquiry participants regarding payment or with the relevant organisation that is supporting them?
- Committee secretariats currently take steps to reduce any barriers to the effective participation of stakeholders in inquiries and/or to seek to ameliorate any disadvantages that may stem from their participation. For example, by reimbursing witnesses for travel or offering onsite parking or accommodation if required. The committee can also take evidence via videoconference or meet with witnesses before or after work.

Resolved, on the motion of Mr Donnelly: That the secretariat write to Sally Irwin and Alan Dayeh advising that:

- under Legislative Council rules and practice, there is no capacity at present for committees to compensate individuals for participating in inquiries
- the committee is alert to the issue and will be considering it further at a future time
- there are other supports available to witnesses to ameliorate any disadvantages that may stem from their participation.

The committee noted that it would consider the issue of witness compensation further by the committee in the new year.

7.3 Counselling support for witnesses

The committee deferred consideration of the proposal and quote from Converge International until such time that the secretariat provides further information about NSW Parliament's policy for procurement.

8. Adjournment

The committee adjourned at 1.54 pm until Tuesday 29 October 2024 (hearing with individuals with lived experience – Review of the *Modern Slavery Act 2018*).

Anthony Hanna
Committee Clerk

Minutes no. 14

Tuesday 29 October 2024
Modern Slavery Committee
Room 814, Parliament House, Sydney 8.46 am

1. Members present

Dr McGirr, *Chair*
Ms Leong, *Deputy Chair*
Mr Donnelly (from 9.03 am)
Dr Kaine
Mrs MacDonald
Ms Voltz (until 11.57 am)

2. Apologies

Mrs Ayyad
Mr Borsak

3. Previous minutes

Resolved, on the motion of Mrs MacDonald: That draft minutes no. 12 be confirmed.

Resolved, on the motion of Dr Kaine: That draft minutes no. 13 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 30 September 2024 – Email from Matthew Clarke, Principal Researcher, The Freedom Keys Research Project to the committee, noting his Influential Scholar Award by the Global Association of Human Trafficking Scholars
- 10 October 2024 – Email from Claire Morse, Project Officer Child Sexual Exploitation, Project Paradigm to the committee, providing a submission to the review of the Modern Slavery Act 2018
- 20 October 2024 – Email from an individual to the committee, withdrawing her interest to meet with the committee for the review of the *Modern Slavery Act 2018*.

Sent

- 9 October 2024 – Letter from the Chair to Yvette Proud, Program Coordinator, The Lived Experience Engagement Program (LEEP), Trafficking and Slavery Safe House, The Salvation Army Australia Territory, seeking nominations from members of the Survivor Advisory Council to contribute to the review of the Modern Slavery Act 2018
- 21 October 2024 – Letter from the Chair to Professor Tomoya Obokata, UN Special Rapporteur on Contemporary Forms of Slavery, confirming his attendance at a working breakfast with MPs on Tuesday 19 November 2024
- 21 October 2024 – Letter from the Chair to Dr James Cockayne, NSW Anti-slavery Commissioner, confirming his attendance at a working breakfast with the UN Special Rapporteur on Contemporary Forms of Slavery and MPs on Tuesday 19 November 2024.

Resolved, on the motion of Ms Voltz: That the committee write to Matthew Clarke, Principal Researcher, The Freedom Keys Research Project acknowledging his correspondence and congratulating him on his Influential Scholar Award by the Global Association of Human Trafficking Scholars.

5. Invitation to the NSW Anti-slavery Commissioner to the working breakfast with the UN Special Rapporteur

The committee noted that it agreed via email to invite the NSW Anti-slavery Commissioner to the committee-hosted breakfast with the UN Special Rapporteur on Contemporary Forms of Slavery on 19 November 2024.

6. Review of the *Modern Slavery Act 2018*

6.1 Proposal and quote from Converge International

The committee noted that it agreed via email to the proposal and quote from Converge International to provide counselling support to witnesses appearing at the hearings on 29 October 2024 and 1 November 2024.

6.2 Project Paradigm submission

Resolved on the motion of Ms Voltz: That:

- the submission by Project Paradigm be treated as correspondence to the review of the Modern Slavery Act 2018 and published on the review's webpage.
- the Chair write to Project Paradigm advising that the submission will be treated as correspondence and that the committee is seeking further advice about how they can engage with children with lived experience of modern slavery in future inquiries
- the secretariat seek further advice, including advice from the Children and Young Persons Advocate, about how the committee can engage with children with lived experience of modern slavery in the inquiry process.

6.3 Pre-determined questions

The committee noted that it agreed via email to ask witnesses the following questions at the hearings on 29 October 2024 and 1 November 2024 for the review of the Modern Slavery Act 2018:

- Could you please describe your experience of modern slavery, including the circumstances that led to your situation and how it affected you?
- Did you receive any information or support that helped you identify your situation as one of exploitation or slavery?
- What support services (e.g., healthcare, housing, legal advice, law enforcement) did you seek during your escape from modern slavery?
 - Could you describe any difficulties or barriers you faced while trying to access these services (e.g., lack of eligibility, long waiting periods, lack of understanding from staff, language barriers)?
 - How did the challenges in accessing support impact your ability to leave or recover from the situation?
- What specific steps do you believe the Government should take to improve support for victim-survivors of modern slavery, both in terms of immediate assistance and long-term recovery?
- Are there gaps in current services or policies that you think should be addressed to better support individuals in situations like yours?

6.4 Evidence to be taken *in camera*

Resolved, on the motion of Ms Leong: That, in accordance with Schedule 1, clause 7 of the *Modern Slavery Act 2018* the committee proceed to take evidence *in camera* at the hearing on 29 October 2024.

6.5 Support people and counselling service for *in camera* evidence

Resolved, on the motion of Ms Leong: That support people for witnesses and counsellors from Converge International consultants, Mithila Ramanathan and Jennifer Davis be admitted into the hearing room for the *in camera* hearing on 29 October 2024.

6.6 *In camera* hearing

The committee proceeded to take evidence *in camera*.

Persons present other than the committee: Shaza Barbar, Lauren Evans, Emily Whittingstall, James Ryan, Jennifer Davis, Mithila Ramanathan, support people, audio-visual broadcast operators and Hansard reporters.

The Chair made an opening statement regarding the proceedings and other matters.

The following witness was sworn and examined:

- Witness C, Individual.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness D, Individual.

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness E, Individual.

The evidence concluded and the witness withdrew.

The *in camera* hearing concluded at 11.45 am.

7. Additional witness for 1 November 2024 hearing

Resolved, on the motion of Ms Leong: That the committee invite Witness H to appear *in camera* at the hearing on Friday 1 November 2024 and consider other hearing dates if they are unavailable.

8. Adjournment

The committee adjourned at 12.03 pm until Friday 1 November 2024, 9.15 am, Room 814, Parliament House (public and *in camera* hearing for the review of the *Modern Slavery Act 2018*).

Lauren Evans

Committee Clerk

Minutes no. 15

Friday 1 November 2024

Modern Slavery Committee

Room 814, Parliament House, Sydney at 9.11 am

1. Members present

Dr McGirr, *Chair*

Mrs Ayyad (from 9.46 am)

Mr Donnelly

Dr Kaine (until 11.50 am)

Mrs MacDonald

Ms Voltz (from 9.18 am)

2. Apologies

Mr Borsak

Ms Leong, *Deputy Chair*

3. Review of the *Modern Slavery Act 2018*

3.1 Evidence to be taken *in camera*

Resolved, on the motion of the Mr Donnelly: That in accordance with Schedule 1, clause 7 of the *Modern Slavery Act 2018*, the committee proceed to take evidence from witnesses who requested to appear *in camera*.

3.2 Support people and counselling service for *in camera* evidence

Resolved, on the motion of Dr Kaine: That support people for witnesses and counsellors from Converge International, Mithila Ramanathan and Jennifer Davis be admitted into the hearing room for the *in camera* hearing on 1 November 2024.

3.3 Timeframe for answers to questions on notice and supplementary questions

Resolved, on the motion of Mrs MacDonald: That witnesses at the hearings on 29 October 2024 and 1 November 2024 provide answers to questions on notice and answers to supplementary questions within 14 days of receipt of the transcript.

3.4 Public hearing

The public and the media were admitted.

The Chair made an opening statement regarding the proceedings and other matters.

The following witness was sworn and examined:

- Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service.

The evidence concluded and the witness withdrew.

The public hearing concluded at 10.05 am. The public and media withdrew.

3.5 *In camera* hearing

The committee proceeded to take evidence *in camera*.

Persons present other than the committee: Shaza Barbar, Lauren Evans, Emily Whittingstall, Glenn Hill, Jennifer Davis, Mithila Ramanathan, support people, audio-visual broadcast operators and Hansard reporters.

The Chair made an opening statement regarding the proceedings and other matters.

The following witness was sworn and examined:

- Witness F

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness G

The evidence concluded and the witness withdrew.

The following witness was sworn and examined:

- Witness H.

Witness H tendered two documents.

The evidence concluded and the witness withdrew.

The *in camera* hearing concluded at 1.06 pm.

3.6 Tendered documents

That the committee accept and keep confidential the documents tendered by Witness H during the *in camera* hearing.

4. Adjournment

The committee adjourned at 1.11 pm until Tuesday 10 December 2024, Parliament House, Sydney (report deliberative – Review of the *Modern Slavery Act 2018*).

Lauren Evans

Committee Clerk

Minutes no. 16

Tuesday 10 December 2024

Modern Slavery Committee

Room 1136, Parliament House at 9.36 am

1. Members present

Dr McGirr, *Chair*

Ms Leong, *Deputy Chair*

Mrs Ayyad (9.47 am, via videoconference)

Mr Donnelly

Dr Kaine (from 9.39 am)

Mrs MacDonald

2. Apologies

Mr Borsak

Ms Voltz

3. Previous minutes

Resolved, on the motion of Mr Donnelly: That minutes nos. 14 and 15 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received

- 24 October 2024 – Letter from Mrs Carolyn Kitto OAM and Mr Fuzz Kitto, Co-Directors, Be Slavery Free, to the Chair, requesting a meeting to present Be Slavery Free's human rights due diligence platform, namely MillionMakers
- 30 October 2024 – Letter from Dr James Cockayne, Anti-slavery Commissioner to the committee, providing a copy of his 2023-2024 Annual Report and drawing the committee's attention to recommendation 4 as it relates to the review of the *Modern Slavery Act 2018*
- 12 November 2024 – Email from Witness E, an individual with lived experience who contributed to the review, seeking to clarify testimony from their meeting with the committee
- 13 November 2024 – Email from Witness H to the committee, seeking clarification about referring matters to the Anti-slavery Commissioner and the eligibility of the federally funded Support for Trafficked People Program
- 14 November 2024 – Email from Dr James Cockayne to the Chair, seeking consent to share his advice to the committee on how to engage with victim-survivors of modern slavery in the inquiry process, dated 15 November 2023, to the Department of Communities and Justice
- 5 December 2024 – Email from Witness G to the secretariat, consenting to the committee referring to her evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2
- 5 December 2024 – Email from Witness E to the secretariat, consenting to the committee referring to her evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2
- 5 December 2024 – Email from Witness F to the secretariat, consenting to the committee referring to her evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2

- 6 December 2024 – Email from Witness H to the secretariat, consenting to the committee referring to their evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2
- 9 December 2024 – Email from Witness D to the secretariat, consenting to the committee referring to their evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2.

Sent

- 31 October 2024 – Letter from Dr Joe McGirr, Chair to Witness E, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 31 October 2024 – Letter from Dr Joe McGirr, Chair to Witness C, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 31 October 2024 – Letter from Dr Joe McGirr, Chair to Witness D, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 1 November 2024 – Letter from Dr Joe McGirr, Chair to Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, thanking him for his contribution to the review of the *Modern Slavery Act 2018*
- 1 November 2024 – Letter from Dr Joe McGirr, Chair to Witness F, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 1 November 2024 – Letter from Dr Joe McGirr, Chair to Witness G, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 1 November 2024 – Letter from Dr Joe McGirr, Chair to Witness H, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 8 November 2024 – Letter from Dr Joe McGirr, Chair to Claire Morse, Project Officer – Child Sexual Exploitation, Project Paradigm, advising that their submission to the review of the *Modern Slavery Act 2018* will be treated as correspondence and that the committee is seeking expert advice on how the committee can engage with child victim-survivors in their future inquiries
- 8 November 2024 – Letter from Dr Joe McGirr, Chair to Matthew Clarke, Principal Researcher, The Freedom Keys Research Project, congratulating him on his contribution to the 21st International Human Trafficking and Social Justice Conference and receipt of the Influential Scholar Award by the Global Association of Human Trafficking Scholars
- 13 November 2024 – Email from the secretariat to Mrs Carolyn Kitto OAM and Mr Fuzz Kitto, Co-Directors, Be Slavery Free, encouraging them to make a submission to the inquiry into modern slavery risks faced by temporary migrant workers in rural and regional NSW
- 25 November 2024 – Letter from Dr Joe McGirr, Chair to Ms Zoë Robinson, Advocate for Children and Young People, seeking their advice on how the committee can appropriately engage with children in their future inquiries.

5. Confidential correspondence

Resolved, on the motion of Ms Leong: That the following correspondence received from, and sent to, individuals who contributed to the review of the *Modern Slavery Act 2018* be kept confidential:

- 20 October 2024 – Email from an individual, withdrawing her expression of interest to meet with the committee for the review of the *Modern Slavery Act 2018*
- 31 October 2024 – Email from Dr Joe McGirr, Chair to Witness E, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 31 October 2024 – Letter from Dr Joe McGirr, Chair to Witness C, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 31 October 2024 – Letter from Dr Joe McGirr, Chair to Witness D, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 1 November 2024 – Letter from Dr Joe McGirr, Chair to Witness F, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 1 November 2024 – Letter from Dr Joe McGirr, Chair to Witness G, thanking her for her contribution to the review of the *Modern Slavery Act 2018*

- 1 November 2024 – Letter from Dr Joe McGirr, Chair to Witness H, thanking her for her contribution to the review of the *Modern Slavery Act 2018*
- 6 November 2024 – Email from Witness E seeking to clarify the transcript of their evidence on 1 November 2024 to the review of the *Modern Slavery Act 2018*
- 13 November 2024 – Email from Witness H to the committee, seeking clarification about referring matters to the Anti-slavery Commissioner and the eligibility of the federally funded Support for Trafficked People Program
- 5 December 2024 – Email from Witness G to the secretariat, consenting to the committee referring to her evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2
- 5 December 2024 – Email from Witness E to the secretariat, consenting to the committee referring to her evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2
- 5 December 2024 – Email from Witness F to the secretariat, consenting to the committee referring to her evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2
- 6 December 2024 – Email from Witness H to the secretariat, consenting to the committee referring to their evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2
- 9 December 2024 – Email from Witness D to the secretariat, consenting to the committee referring to their evidence in a general way in the report on the Review of the *Modern Slavery Act 2018* – Part 2.

6. **Working breakfast with the UN Special Rapporteur on Contemporary Forms of Slavery**

The committee noted that it agreed via email to the order of proceedings for the working breakfast with the UN Special Rapporteur on Contemporary Forms of Slavery on 19 November 2024.

The Chair provided a wrap-up of the event and the committee noted the Rapporteur's offer to appear at a future hearing for the inquiry into temporary migrant workers in rural and regional New South Wales.

7. **Anti-slavery Commissioner's response to the report on the Ethical Clothing (Extended Responsibilities) Scheme 2005**

The committee noted that it agreed via email to accept and publish the Anti-slavery Commissioner's response to its report on the Ethical Clothing (Extended Responsibilities) Scheme 2005, provided in accordance with section 22(3) of the *Modern Slavery Act 2018* and tabled in both Houses on 12 November 2024.

8. **Review of the *Modern Slavery Act 2018***

8.1 **Partially confidential submissions**

Resolved, on the motion of Ms Leong: That the committee keep the following information confidential, as per the request of the author: names and/or identifying and sensitive information in submission no. 18.

8.2 **Advice from the Clerk of the Parliaments on the status of confidential evidence upon tabling**

Resolved, on the motion of Ms Leong: That, having regard to the *Modern Slavery Act 2018* and Legislative Council practice and procedure, the committee seek advice from the Clerk of the Parliaments on the status of confidential evidence received during the review of the *Modern Slavery Act 2018* upon tabling, including clarification on whether:

- all current and future members of the Legislative Council and Legislative Assembly would have access to this evidence after tabling
- the committee can use this evidence to inform future reviews of the *Modern Slavery Act 2018*.

8.3 **Transcript clarification**

Resolved, on the motion of Mrs MacDonald: That the committee authorise insertion of footnotes on pages 14-16, 18, 20 and 21 of the transcript on 1 November 2024, as requested by Witness E.

8.4 Answers to questions on notice

The committee noted that the following answer to a question on notice was published by the committee clerk under authorisation of the resolution appointing the committee:

- answer to a question on notice from Mr Moe Turaga, Expert Advisor, Domus 8.7 modern slavery remediation service, received 21 November 2024.

8.5 Approach to confidential evidence in the Chair's draft report

Resolved, on the motion of Dr Kaine that:

- the committee authorise reference to unpublished confidential evidence in its report, without identifying individual sources, noting that the committee has sought consent from individuals to do so in accordance with Schedule 1, Clause 7 of the *Modern Slavery Act 2018*
- footnotes referring to *in camera* evidence of individual witnesses be removed prior to publication.

8.6 Redaction of names of individuals with lived experience in minutes

Resolved, on the motion of Mr Donnelly: That any references to individuals with lived experience appearing before the committee *in camera* be redacted in the public version of the minutes.

8.7 Consideration of the Chair's draft report

The Chair submitted his draft report entitled *Review of the Modern Slavery Act 2018 – Part 2* which, having been previously circulated, was taken as being read:

Chapter 2

Resolved, on the motion of Dr Kaine: ***

Resolved, on the motion of Ms Leong: That:

- ***
- paragraph 2.64 be amended by omitting 'Mr Turaga echoed a similar view'
- paragraph 2.64 be amended by omitting 'He' and inserting instead 'Mr Turaga'
- that the following new paragraph be inserted after paragraph 2.65:

"The committee also heard general evidence from a range of stakeholders on the concerns about reporting to law enforcement agencies, particularly in relation to the intersection with visa issues and the need for a trauma-informed approach. [FOOTNOTE: See for example: Evidence, Dr Martijn Boersma, Director, Modern Slavery and Human Trafficking postgraduate programs, University of Notre Dame Australia, 30 October 2023, p 25, Submission 8, Office of the NSW Anti-slavery Commissioner, p 14; Submission 13, Anti-slavery Australia, p 5; Evidence, Mr Conrad Townson, Principal Advisor, Child Exploitation, Project Paradigm - Integrated Family and Youth Service, 30 October 2023, p 42].

Resolved, on the motion of Mr Donnelly: That Recommendation 3 be amended by omitting 'fund and' before 'provide mandatory training'.

Resolved, on the motion of Ms Leong: That Recommendation 3 be amended by inserting:

- 'government and non-government' before 'frontline organisations'
- 'and ongoing' before 'training'
- 'housing, education' before 'healthcare'
- 'survivor-led and' before 'trauma-informed'.

Mr Donnelly moved: That Recommendation 4 be amended by omitting 'establish the NSW Anti-slavery Commissioner's office as a 'Special Office' in the NSW Government's budget papers going forward'.

Question put.

The committee divided.

Ayes: Mrs Ayyad, Mr Donnelly, Dr Kaine, Mrs MacDonald, Dr McGirr.

Noes: Ms Leong.

Question resolved in the affirmative.

Resolved, on the motion of Ms Leong: That Recommendation 7 be amended by inserting the following new dot point after 'adding a new section 19(2)(e) to state that the Commissioner's annual report must include "a description of the Commissioner's co-operation and engagement with people with lived experience during that year"':

'adding a new section 19(2)(f) to state that the Commissioner's annual report must include "a report from the Commissioner's Advisory Panel on the issues the Panel has discussed and any actions they believe the Government or Parliament should take in relation to meeting the objects of the Act"'.

Resolved, on the motion of Dr Kaine: That:

- a. paragraph 2.136 be amended by omitting 'and those at risk of modern slavery' before 'to safe, culturally appropriate accommodation'
- b. Recommendation 10 be amended by omitting 'and those at risk of modern slavery' before 'to safe, culturally appropriate accommodation'.

Resolved, on the motion of Ms Leong: That Recommendation 10 be omitted: That the NSW Government seek to amend section 19(3) of the *Modern Slavery Act 2018* to require the NSW Anti-slavery Commissioner's annual report to include a review of the government's actions during the year to ensure access for victims of modern slavery and those at risk of modern slavery to safe, culturally-appropriate accommodation, healthcare and other essential services', and the following new Recommendation be inserted instead:

'Recommendation X:

That the NSW Government seek to amend section 19(3) of the *Modern Slavery Act 2018* to require the NSW Anti-slavery Commissioner's annual report to include:

- a review of the government's actions during the year to ensure access for victims of modern slavery to safe, culturally appropriate housing, healthcare and other essential services
- details of mandatory and other training undertaken by government and non-government frontline organisations.'

Resolved, on the motion of Dr Kaine: That:

- a. paragraph 2.138 be amended by omitting 'However, the committee believes that given the infancy of the Act and the timeframe for the NSW Anti-slavery Commissioner's Strategic Plan, the next review should take place in 2026'
- b. Recommendation 11 be omitted: 'That the Modern Slavery Committee undertake a review of the *Modern Slavery Act 2018* in 2026'.

Resolved, on the motion of Ms Leong: That the following new paragraph be inserted after paragraph 2.138:

'The committee notes it is currently undertaking an inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales and remains open to recommending changes to the *Modern Slavery Act 2018* through that inquiry and others.'

Resolved, on the motion of Ms Leong: That the following new recommendation be inserted after paragraph 2.126:

'Recommendation X

That the NSW Government explore the use, scope and efficacy of penalties to reduce the prevalence of modern slavery in New South Wales.'

Resolved, on the motion of Ms Leong: That:

- the adoption of the draft report, as the report of the committee, be deferred until the committee has considered advice from the Clerk of the Parliaments on the status of confidential evidence received during the review of the *Modern Slavery Act 2018* upon tabling
- the committee extend the report tabling date to a future date to be determined.

9. Response to Witness H

Resolved, on the motion of Ms Leong: That, whilst the committee is still considering the report, the Chair write to Witness H advising that the timeline for the NSW Government's response to the committee's report is three months from tabling of the report and any possible changes to the Act will occur following this response.

10. Adjournment

The committee adjourned at 11.30 am, *sine die*.

Lauren Evans

Committee Clerk

Draft minutes no. 17

Wednesday 18 December 2024

Modern Slavery Committee

Via videoconference at 2.30 pm

1. Members present

Dr Joe McGirr, *Chair*
Mr Donnelly
Dr Kaine
Mrs MacDonald

2. Apologies

Ms Leong, *Deputy Chair*
Mrs Ayyad
Mr Borsak
Ms Voltz

3. Previous minutes

Resolved, on the motion of Mr Donnelly: That draft minutes no. 16 be confirmed.

4. Correspondence

The committee noted the following items of correspondence:

Received:

- 16 December 2024 – Letter from Ms Zoe Robinson, Advocate for Children and Young People, to the Chair, providing advice on engaging with children and young people.

Sent:

- 19 December 2023 – Letter from the Chair to Dr James Cockayne, NSW Anti-slavery Commissioner, advising that the report for part 1 of the review of the Modern Slavery Act 2018 has been tabled and that in accordance with section 22(3) of the Act, he can respond to the report.

5. Review of the Modern Slavery Act 2024**5.1 Clerk's advice regarding access to confidential evidence upon tabling of the report**

The committee noted advice from the Clerk of the Parliaments, dated 17 December 2024, regarding access to confidential evidence upon tabling.

5.2 Consideration of the Chair's draft report

Resolved, on the motion of Mr Donnelly: That:

- a) the following new recommendation be omitted:

'Recommendation X

That the NSW Government explore the use, scope and efficacy of penalties to reduce the prevalence of modern slavery in New South Wales.'

- b) the following new paragraph and recommendation be inserted after paragraph 2.127:

Notwithstanding this, the committee believes there may be merit in implementing penalties to reduce the prevalence of modern slavery and therefore recommends that the NSW Government explore the use, scope and efficacy of penalties to reduce the prevalence of modern slavery in New South Wales.

'Recommendation X

That the NSW Government explore the use, scope and efficacy of penalties to reduce the prevalence of modern slavery in New South Wales.'

Resolved, on the motion of Mrs MacDonald: That the content of resolutions referring to confidential evidence be redacted from the published minutes of the meeting held on 10 December 2024.

Resolved, on the motion of Dr Kaine: That:

The draft report, as amended, be the report of the committee and that the committee present the report to the House;

The transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice and supplementary questions relating to part 2 of the inquiry be tabled in the House with the report;

Upon tabling, all unpublished attachments to submissions be kept confidential by the committee;

Upon tabling, all unpublished minutes, transcripts of evidence, tabled documents, submissions, correspondence, answers to questions taken on notice related to the inquiry be published by the committee, except for those documents kept confidential by resolution of the committee in part 2 of the inquiry;

The committee secretariat correct any typographical, grammatical and formatting errors prior to tabling;

The committee secretariat be authorised to update any committee comments where necessary to reflect changes to recommendations or new recommendations resolved by the committee;

Dissenting statements be provided to the secretariat by 2.30 pm 19 December 2024

The secretariat is tabling the report on 20 December 2024.

The Chair to advise the secretariat and members if they intend to hold a press conference, and if so, the date and time.

6. Adjournment

The committee adjourned at 2.45 pm, *Sine die*.

Lauren Evans
Committee Clerk

