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Resolved to publish Yes/ No

Modern Slavery Risk Orders

- I understand the NSW Government proposes there are already a number of protective orders available at State and Federal Levels to protect individuals from harm or to ensure their safety.
- Two types of AVOs:
 1. ADVO (Apprehended Domestic Violence Order) - An ADVO relates to the protection of a person/s where a domestic relationship exists between the parties. And
 2. APVO (Apprehended Personal Violence Order) - An APVO relates to the protection of a person/s where there is no domestic relationship between the parties, eg co-workers and neighbours.
- Who can apply for an AVO: Any person who is or has been the victim of physical assault, threats of physical harm, stalking, intimidation or harassment and has a reasonable fear to believe that this behaviour will continue.
- The Modern Slavery Risk Order is specific to the nature and conduct of a person posing risk to engaging in conduct constituting modern slavery. Therefore reducing risk to society and to protect persons generally.
- Parliamentary Counsel advised the Modern Slavery Risk Orders would not be unconstitutional.
- The Legislative Review Committee advised in Digest 51/56:
 - *The Bill enables a court to impose a modern slavery risk order in relation to certain offences. Such an order prohibits a person from engaging in specified conduct. It is an offence to contravene the order, without reasonable excuse. Whilst the Committee generally discourages the imposition of a reverse onus of proof, the Committee is of the view that this is justified in the circumstance. This is because, given the likely practical application of the offence, the evidentiary burden on the prosecution may otherwise be too high.*
- Maximum penalty: 500 penalty points or imprisonment for 2 years, or both.
- Modern Slavery Act 2015, UK Civil Orders:

- Slavery and Trafficking Prevention Orders: the purpose of the prevention orders is to prevent slavery and human trafficking offences being committed by someone who has already committed such offences.
- Slavery and Trafficking Prevention Orders: Can be made by a Court with respect of an individual who has been convicted of a slavery or trafficking offence where there is a risk that the defendant may commit another slavery or human trafficking offence and poses a risk of harm to the public in doing so.
- STROs enable action to be taken where this is necessary to prevent serious harm to the public notwithstanding the absence of a conviction.
- The Orders are intended as a preventative measure to deter unlawful and harmful activity. Breach of an Order, without reasonable excuse, is a criminal offence which may be tried either summarily or on indictment with a maximum penalty on indictment of five years' imprisonment.