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Dr Joe McGirr MP  
Chair  
Modern Slavery Committee  
NSW Parliament

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27 November 2023

Dear Dr McGirr

**Review of the *Modern Slavery Act 2018* (NSW) (the Act), Supplementary Questions from Hearing – 30 October 2023**

I write to respond to the supplementary question posed to me in a communication of 13 November 2023, following the hearing of the Modern Slavery Committee on 30 October 2023.

The question as posed was:

1. *Your submission recommends changes to s9 to indicate collaboration as one of the functions of the commissioner:*
  - a. *What collaborations do you envisage this would be referring to, beyond collaborating with the Federal Anti-Slavery Commissioner?*
  - b. *What value do you see to having this listed as one of the objectives?*

My responses follow.

**Responses**

- a. *What collaborations do you envisage this would be referring to, beyond collaborating with the Federal Anti-Slavery Commissioner?*

My submission proposed an amendment to section 9 of the *Modern Slavery Act 2018* (NSW) (the 'Act') to include the following function of the NSW Anti-slavery Commissioner: "to collaborate with any federal Anti-slavery Commissioner in Australia, and other persons and bodies mandated by a government in Australia or overseas to combat modern slavery".

This proposed amendment would help clarify the responsibility of the NSW Anti-slavery Commissioner to cooperate with authorities in other Australian states and

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territories, and overseas, that are mandated to combat modern slavery. This could include, for example:

- Any Anti-slavery commissioner created in the future by the government of another Australian state or territory
- The UK Independent Anti-Slavery Commissioner
- The US Ambassador-at-Large to Combat Trafficking in Persons

A small further amendment to the text previously proposed, changing “mandated by a government” to “mandated by a government or international organisation” would further empower the Commissioner to collaborate with other relevant authorities, such as:

- The European Union Anti-Trafficking Coordinator
- The OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings
- The United Nations Special Rapporteur on Contemporary Forms of Slavery

In short, I propose the following additional sub-section be added to section 9 of the Act:

“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”.

b. What value do you see to having this listed as one of the objectives?

The proposed amendment is to section 9 (General functions of the Commissioner), rather than to section 3 (Objects of the Act). The value is to make explicit that one of the functions of the Commissioner is to collaborate with any federal Anti-slavery Commissioner and with relevant governmental and international authorities in other jurisdictions.

The first part of the proposed amendment will make clear the intent of the Parliament that the NSW Anti-slavery Commissioner should work cooperatively with a new federal Commissioner. This will be important in years ahead given the potential for overlap in their work.

The second part, relating to authorities in other jurisdictions, is necessary for effective anti-slavery action, given the many cross-border aspects of modern slavery: cross-border movement of victims, cross-border supply-chains, and cross-border aspects of online sexual exploitation of children, for example. At present, there is no *requirement* that the NSW Anti-slavery Commissioner works with relevant

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authorities in other jurisdictions, and where the Commissioner wishes to do so, this cooperation is underpinned primarily by the general power of co-operation with other persons and organisations, in section 15. By elevating this collaboration to a specific function of the Commissioner, the Parliament would make clear its expectation that the Commissioner takes this approach, and thereby establish a clear basis for information-sharing, operational cooperation and mutual learning and support.

Thank you for your time and please do not hesitate to contact me should you require any further information in relation to any of these matters.

Yours sincerely,

Dr. James Cockayne  
NSW Anti-Slavery Commissioner