



Dr Joe McGirr MP
Committee Chair
Modern Slavery Committee
Parliament of NSW
6 Macquarie Street, Sydney, NSW 2000

Dear Dr McGirr

Questions on notice during the Modern Slavery Act Review Committee Hearing

I thank you for the opportunity for Mr Mark Follett and myself to appear before the Committee to provide evidence on the *Modern Slavery Act 2018* (the **MS Act**) on behalf of the Department of Communities and Justice (**DCJ**).

I refer to the questions taken on notice from Ms Jenny Leong MP and the Hon Dr. Sarah Kaine MLC. DCJ's responses to these questions are attached to this correspondence.

I note that I can only comment on matters that are relevant to DCJ. To the extent that any of the questions raise issues outside of DCJ, the Anti-Slavery Commissioner (the **Commissioner**) might be better placed to respond as he was invited to do by Ms Leong during the hearing.

Yours sincerely

Paul McKnight
Deputy Secretary
Law Reform and Legal Services

Question 1 - raised at page 12 of transcript

Training in the Department of Communities and Justice (DCJ) and other agencies

Ms Leong raised a question around training within NSW Government departments and also within DCJ. DCJ cannot provide advice on the training in other NSW Government departments and agencies. The Anti-Slavery Commissioner (the **Commissioner**) may be able to speak more broadly about training undertaken by other agencies such as the NSW Police Force.

Within DCJ, DCJ's intranet site contains information and resources for caseworkers regarding what to do if issues of underage forced marriage or domestic and family violence are reported. This includes internal procedures and reporting to the Australian Federal Police in cases of forced marriage.

Additionally, Multicultural caseworkers are available to provide cultural consultation to caseworkers working with multicultural families, which may include consultation regarding underage forced marriage.

DCJ's Multicultural Services, Office of the Senior Practitioner and Child Protection Helpline, participate in the quarterly meetings of the NSW Forced Marriage Network, which supports awareness raising and builds collaboration between government and non-government agencies.

In 2022, DCJ developed the *NSW Domestic and Family Violence Plan 2022-2027* and *Sexual Violence Plan 2022-2027* in consultation with key stakeholders. Both Plans were publicly released on 9 December 2022. The Plans provide strategic direction to prevent and respond to domestic and family violence and sexual violence in NSW over 5 years.

Question 2 – raised at page 13 of transcript

Interaction with the Fair Work Ombudsman and fair work regulators

Dr. Kaine raised a question relating to any engagement DCJ has had with the Fair Work Ombudsman or the fair work regulators. DCJ has not engaged with the Fair Work Ombudsman or Commonwealth Department of Employment and Workplace Relations on issues relating to modern slavery since the commencement of the MS Act. I note that employment and industrial relations are not policy areas that sit with DCJ.

Section 14 of the MS Act specifically requires Government agencies of the State that provide services to victims of modern slavery in NSW to cooperate with the Commissioner. Further to this, s15 of the MS Act provides a broader power for the Commissioner to cooperate with any person or organisation the Commissioner considers appropriate. This potentially includes Commonwealth agencies.

The Commissioner may be able to provide further details on any interactions between NSW agencies and the Commonwealth, particularly the Fair Work Ombudsman.

Question 3 – raised at page 15 of transcript

Changes to the MS Act to allow victim-survivors of modern slavery access to other DCJ services such as accessing housing and homelessness services

Ms Leong asked whether DCJ has any initial thoughts on changes that could be made to the MS Act to ensure those reporting instances of modern slavery or are at risk of modern slavery are able to access other services provided by DCJ such as housing and homelessness services. I note that this is a policy question for the Committee, and ultimately Government, to consider and DCJ cannot provide policy advice to the Committee on this.

However, I can provide a factual overview of the framework provided in the MS Act to promote better service delivery to victims of modern slavery through cooperation with, and on the advice of, the Commissioner. Under section 9(f) of the MS Act, it is a function of the Commissioner to *'monitor the effectiveness of legislation and governmental policies and action in combating modern slavery.'* Under section 12 of the MS Act, the Commissioner is *'to provide advice, education and training on ways to prevent modern slavery taking place and assist the victims of modern slavery.'*

The MS Act encourages cooperation between the Commissioner and NSW Government agencies, including DCJ, in areas in which they are responsible. As noted above, section 14 of the MS Act requires Government agencies and *'persons and bodies that provide services to, or advocate for, victims of modern slavery'* to cooperate with the Commissioner in relation to the exercise of his functions.

Section 13 of the MS Act further provides that the Commissioner may refer any information he receives in the course of exercising his functions to any government agency he considers appropriate.

Under this framework, there is scope for the Commissioner to consider and provide advice on how to improve service delivery to victims of modern slavery. Policy and legislative changes to assist victim-survivors of modern slavery to access other services provided by DCJ may need to be assessed on a case-by-case basis. In many cases, the Commissioner may be best placed to consider and advise on changes that may be appropriate to support victims of modern slavery.

In relation to housing and homelessness services, currently, there are no specific programs in DCJ to support the housing needs of victim-survivors of modern slavery. However, any person who meets the eligibility criteria can seek social housing and homelessness assistance. A specific issue that arises for victim-survivors of modern slavery is that one of the eligibility criteria is for an applicant to be an Australian citizen or have permanent residency status. This is an issue for victim-survivors who do not have residency status. People without residency status can seek support from specialist homelessness services (**SHS**). However, due to the volume of demand, not everyone who seeks assistance from SHS is able to receive it.

The NSW Government is developing a new homelessness strategy and victims and survivors of modern slavery, as well as people without residency status more generally, will be considered in the development of the strategy.

I note that the MS Act amends the *Victims Rights and Support Act 2013* to extend support under the Victims Support Scheme to victims of modern slavery. The Victims Support Scheme provides counselling, financial assistance and recognition payments to victims of an act of violence or act of modern slavery. Eligible primary victim-survivors of modern slavery can apply for support from the Scheme if the act of modern slavery took place in NSW and occurred from 1 January 2022.