

## **Ms JENNY LEONG**

If I can just follow up on that briefly, Dr Boersma. I'm happy for you to take this on notice. Do you have any thoughts on how the Committee might recommend to strengthen the Act to ensure that that level of consultation, the voices of survivors and those with lived experience are included in the work that is being done, recognising the commissioner does that work? I think the challenge becomes how we're not just relying on good collaboration or good relationships and ensuring the Act is going to deliver those things, no matter what the state of the departments, the governments or the commissioner in the future. If you have thoughts around that, that would be appreciated.

## **MARTIJN BOERSMA**

Ensuring the inclusion of survivors' voices and experiences is indeed crucial. The Office of the Anti-Slavery Commissioner has already taken the step to form an advisory panel that includes survivors and experts on modern slavery, which contribute to the ongoing development and implementation of the Commissioner's strategic plan.

I would also like to comment on the concerns about Section 14 of the Act, which describes the commissioner's power to request information from relevant actors. There is some unease among civil society organisations about the scope of the commissioner's powers under this section, which reflects the need for precise legal language that defines the commissioner's role, to prevent potential overreach and to protect sensitive information.

The Committee could consider specifying the boundaries and limitations of the commissioner's powers in the Act itself, perhaps by defining the scope of information requests more narrowly and clarifying that such requests must respect legal professional privilege. The Act could also incorporate procedural safeguards that require the commissioner to justify the necessity and proportionality of any information request.

While the emphasis lies on creating a framework that is resilient and does not rely solely on the good intentions of individuals or entities, we must ensure that the protections and mechanisms of the Act remain effective regardless of changes in government, departmental structures, or the identity of the commissioner.

## **Ms JENNY LEONG**

Given your expertise and research in this area, do you have any thoughts particularly on the intersection between both housing and homelessness risks and visa and migration risks—around the limits that that poses or the potential risks that poses to people not wanting to report instances of modern slavery, or how that interacts? I'm interested in any thoughts or reflections you might have on that, and any guidance you might want to provide, now or on notice, on where we could look to in terms of good examples or international best practice models on how the New South Wales Government might approach the intersection between those elements.

## **MARTIJN BOERSMA**

Broadly speaking, factors such as poverty, lack of affordable housing, unemployment, and the inability to access social protection can also contribute to both homelessness and vulnerability to labour exploitation. Homelessness can make individuals more susceptible to modern slavery due to their heightened vulnerability. Conversely, those who escape modern slavery often face the risk of homelessness due to the lack of support structures. This dynamic can create a vicious cycle. Homeless people, whether permanent or intermittent, may be targeted by exploiters because they are experiencing severe precarity. This can lead them to accept employment in subpar conditions and/or housing arrangements that trap them in exploitative situations (if housing is included as an ancillary service, as part of employment). Homeless individuals may not even be aware of the signs of modern slavery and may inadvertently fall victim to it, being relieved to have found shelter. This lack of awareness is something that can be alleviated through educational initiatives. Those who manage to exit modern slavery can also experience homelessness, as survivors might not have a safe place to go or the means to support themselves. This situation can leave them vulnerable to re-exploitation.

In order to break this cycle, social support services need to be cognisant of the interplay that exists between homelessness and modern slavery is crucial. In other words, providing (safe) housing, but given the transitional nature of such housing and the trajectories that have led the occupants there, it is also important to consider offering legal assistance, psychological support, and job training, to decrease the risk of re-exploitation. Creating and facilitating access to legitimate employment opportunities for homeless individuals can reduce their vulnerability to exploitation. Partnerships between government bodies, NGOs, law enforcement, and social services are essential to address both homelessness and modern slavery effectively. Sharing resources and expertise can lead to more coordinated and comprehensive approaches. At present, NGOs carry a significant part of the burden in dealing with individuals who have experienced modern slavery and/or homelessness. Apart from partnerships and collaboration, adequate resourcing of these organisations (among which with public funds) is also of critical importance.

In Australia, organisations that are leading the way in this space are the Australian Red Cross<sup>1</sup> and the Salvation Army<sup>2</sup>. There are also initiatives in the UK who recognise and address the homelessness modern slavery nexus<sup>3</sup>.

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<sup>1</sup> <https://www.redcross.org.au/globalassets/cms/migration-support/support-for-trafficked-people/barriers-in-accommodating-survivors-of-modern-slavery.pdf>

<sup>2</sup> <https://www.salvationarmy.org.au/about-us/our-services/fighting-modern-slavery-exploitation/>

<sup>3</sup> <https://theclewerinitiative.org/blog/homelessness-and-modern-slavery>; <https://www.crisis.org.uk/get-involved/corporate-partnerships/corporate-bulletins/project-tili/>; <https://passage.org.uk/get-informed/modern-slavery-and-homelessness/>