



# Response to Questions on Notice and Supplementary Questions for the Modern Slavery Committee

## Review of the Modern Slavery Act (2018)

29 November 2023

**Anti-Slavery Australia**  
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**Anti-Slavery Australia**  
**Inquiry Into Review of the Modern Slavery Act 2018**  
**Hearing – Monday 20 November 2023**  
**Response to Supplementary Questions and Questions on Notice**

**Question 1**

Could you provide details on how Anti-Slavery Australia is funded?

Anti-Slavery Australia has a diversified funding base derived principally from:

1. Donations from philanthropic individuals and organisations
2. The University of Technology Sydney
3. Grants for research projects and other work
4. Australian Government Department of Social Services (for the Speak Now project funded until June 2024 under the National Action Plan to Reduce Violence Against Women and their Children)
5. Australian Government Attorney-General's Department (for the My Blue Sky forced marriage initiative)
6. Income from training and consultancy work.

## Anti-Slavery Australia

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#### Question 2

**In your evidence you stated that Anti-Slavery Australia run a hotline where you receive referrals from other third parties.**

- a. Given that there are multiple hotlines and services already, and s12 of the Act sets out that a hotline should be established by the Anti-Slavery Commissioner, can you provide any views or recommendations in relation to the hotline provisions in the legislation and what issues should be considered in relation to the establishment and integration of hotline/s?

The *Modern Slavery Act* 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: (section 12(d)).

The term 'hotline' can describe multiple communication pathways. The term suggests a telephone service, but it could include other means of contact such as a chatbox and email.

Anti-Slavery Australia draws the 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.

It would be open to the Commissioner to identify an appropriate existing hotline such as LawAccess to meet the section 12 requirement.

Anti-Slavery Australia provides free, confidential advice to any person in Australia and to Australian citizens and residents overseas experiencing any form of modern slavery and trafficking, including forced labour, forced marriage and servitude. ASA receives contact via a telephone hotline, email, text message, occasionally through ASA social media channels, and - in the case of forced marriage - through an online chat box accessible on the My BlueSky platform (<https://mybluesky.org.au/>). Our hotline is staffed 5 days a week during business hours.

We receive contact from individuals at risk of or experiencing modern slavery, and receive referrals from frontline workers, government agencies and law enforcement on a daily basis.

The ASA hotline is staffed by trained lawyers or law graduates under supervision by a lawyer. This is vital for the purposes of collecting necessary background

information and making relevant assessments and referrals to other necessary services. All legal advice provided via the hotline is provided by lawyers.

Callers elect whether to maintain anonymity or provide their contact information. At the beginning of every interaction, we provide information about our service explaining that ASA is an independent organisation. We explain why we ask for certain information and how we treat that information. We emphasise that we will maintain the confidentiality of their information and not disclose their confidential information to any person or organisation without their permission. If a language interpretation assistance is required, we explain that the duty of confidentiality binds any interpreter that we use. Recognising callers are often in precarious situations, as a priority, we ascertain the safety of the caller and ensure the establishment of safe methods of contact for any future communication.

In all operations, including the hotline, ASA adopts trauma informed practices through internal training and policies that inform the way in which we work with our clients. We take a strengths-based approach, and after gathering relevant information from individuals seeking assistance, conducting an assessment and taking instructions we can offer comprehensive legal advice in relation to the pathways and any remedies open to them.

As a legal practice, ASA's interactions with clients and the data we collect is protected by legal professional privilege. For this reason, we also ensure that when providing legal advice, this is provided directly to the individual affected.

While ASA primarily provides legal advice and migration assistance to clients, we also regularly make referrals for other psycho-social supports, and referrals to other legal services where appropriate.

We also provide background information about modern slavery and trafficking offences and the services we can provide to third parties who may be seeking to refer someone.

The Office of the NSW Anti-slavery Commissioner hotline would be a valuable referral service in the NSW context. Callers should be made aware of how their information is stored and protected before they disclose, and be informed of any mandatory reporting, disclosure schemes or information sharing obligations of the Office of the NSW Anti-slavery Commissioner. The caller should be aware of the services that the Office can and cannot provide. The hotline could operate as a first point of contact and refer consenting individuals to tailored supports and services that exist in NSW, such as independent legal advice and assistance, accommodation services, healthcare and social work/case work supports. If a person seeks referral to the police, the Hotline could provide referrals with informed consent to the police. In all cases involving an emergency, the hotline should refer immediately to police. If individuals are unsure about being referred to police, good practice is that they be referred to an agency that can offer independent legal advice and tailored advice in relation to the legal options open to them.

If a hotline is established by the Office of the NSW Anti-slavery Commissioner detailed policies and procedures should be operationalised to facilitate the effective

triaging of caller needs. Clearly personnel answering calls should have relevant background experience and be able to work effectively with individuals in a trauma informed manner and be equipped to respond to difficult situations.

ASA would be happy to provide consultation to the Office on the development of hotline scripts and intake policies. We would be pleased to receive referrals from the Office of the NSW Anti-slavery Commissioner, particularly given our capacity to provide independent and confidential legal advice, through our specialised legal service, to any individuals coming into contact with the Office.

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##### Question 3

Does Anti-Slavery Australia support reinstating the penalties that were in the initial version of the NSW Act?

If a transparency in supply chain scheme requires reporting entities to perform a positive duty, Anti-Slavery Australia supports a system of sanctions for non-compliance, such as through financial penalties. For this reason, Anti-Slavery Australia has long supported the inclusion of penalties in the first iteration of the NSW Modern Slavery Act and in the Commonwealth Modern Slavery Act (2018).

In NSW, the Modern Slavery Bill (2018) received assent on Wednesday 27 June 2018 but the Act did not come into effect until it was later amended, finally coming into effect on 1 January 2022.

Section 24 of the original Modern Slavery Act (2018) provided for a transparency of supply chain scheme where organisations with employees in NSW that supplied goods and services for profit or gain and had a turnover of not less than \$50 million would be required to prepare and submit a modern slavery statement for each financial year (S24(1)). The Act provided for a penalty of 10,000 penalty units to be imposed if an organisation did not prepare a modern slavery statement (s24(2)), in accordance with the regulations (24(6)), or if false or misleading information was knowingly provided (24(7)).

The first Modern Slavery Act was referred to a Parliamentary *Inquiry into the Modern Slavery Act 2018 (NSW) and associated matters* and Anti-Slavery Australia made a submission and provided evidence to the Inquiry.<sup>1</sup> Noting that section 24 of the Modern Slavery Act was later repealed, at the time Anti-Slavery Australia supported the transparency in supply chain measures and the system of penalties.

We further submitted:

Anti-Slavery Australia strongly supports the penalties contained in section 24 of the NSW Action for failing to prepare a modern slavery statement, failing to prepare a modern slavery statement in accordance with the regulations and for producing false or misleading statements. The evidence from the UK suggests that a lack of penalties for failing to submit a 'slavery and human

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<sup>1</sup> Anti-Slavery Australia, Submission to the Legislative Standing Committee on Social Issues Inquiry into the *Modern Slavery Act 2018 (NSW) and associated matters*, 4 October 2019.

trafficking statement'<sup>2</sup> has resulted in low levels of compliance. Four years since the UK Act's enactment, only 23% of the statements submitted comply with all the minimum requirements of the UK Act i.e. published on the organisation's website, signed by a director and approved by the board.<sup>3</sup> Anti-Slavery Australia notes that the Final Report published as part of the Independent Review of the Modern Slavery Act in the UK recommended that the UK Government 'make the necessary legislative provisions to strengthen its approach to tackling non-compliance' by introducing sanctions including 'warnings, fines (as a percentage of turnover), court summons and directors' disqualification.'<sup>4</sup>

Maria Grazia Giammarinaro, the United Nations Special Rapporteur on trafficking in persons, especially women and children, recommends that states adopting transparency in supply chains legislation '[e]stablish sanction mechanisms for companies that fail to fulfil their obligations, and equip law enforcement agencies with the resources necessary to follow up on reports of lack of compliance'.<sup>5</sup>

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<sup>2</sup> *Modern Slavery Act 2015* (UK) c 30, s 54.

<sup>3</sup> Business & Human Rights Resource Centre, *Modern Slavery Registry* <<https://www.modernslaveryregistry.org/>>.

<sup>4</sup> *Independent Review of the Modern Slavery Act 2015* (Final Report, May 2019) 43.

<sup>5</sup> Maria Grazia Giammarinaro, *Report of the Special Rapporteur on trafficking in persons, especially women and children*, UN Doc A/HRC/35/37 (28 March 2017) 19.

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**Transcript page 5 – Beyond Storytelling**

- The CHAIR – I think there's a link to your report in your submission, the Beyond Storytelling report?

This is the link to *Beyond Storytelling towards survivor-informed responses to modern slavery*. Frances Simmons & Jennifer Burn, 2023.

[https://antislavery.org.au/wp-content/uploads/2022/10/ASA-Beyond-Storytelling-report FA\\_accessible.pdf](https://antislavery.org.au/wp-content/uploads/2022/10/ASA-Beyond-Storytelling-report_FA_accessible.pdf)



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**The CHAIR – thank you, The Lived Experience?**

The Lived Experience Engagement Program (LEEP) is an initiative by the Salvation Army that is funded by the Commonwealth Government.

The Salvation Army have kindly provided additional information for the Review of the *Modern Slavery Act* conducted by the Modern Slavery Committee, and this is included as **Attachment A** to this submission.

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**Evaluation of the Speak Now project**

- **The CHAIR: Is that preliminary information available through your website, on that project?**

**Research findings:**

1. The Speak Now project is funded by the Department of Social Services under the National Plan to Reduce Violence Against Women and their Children. Speak Now has identified, produced, and made accessible new knowledge to address gaps in best practice prevention, identification, and response to forced marriage in Australia. <sup>6</sup> The new research findings include:

**1.1 Frontline workers play a critical role in Australia’s response to forced marriage, however awareness and confidence in identifying and responding are low.**

We conducted 8 focus groups with 53 frontline workers engaged in secondary and tertiary education, youth work, migration and settlement services, refugee support, domestic and family violence, health services as well as individuals from faith communities. Emerging finding:

Frontline workers are crucial in Australia's response to forced marriage, and key sectors possess that we engaged through the Speak Now project have relevant capacities, that policy responses could build on to address forced marriage.

However, stakeholders commonly reported to us that awareness and confidence in identifying and responding are low and therefore would benefit from training in this area.

For these reasons we developed a new online resource, the *Frontline Worker Guide: Identifying and Responding to Forced Marriage in Australia*.<sup>7</sup> The Frontline Worker Guide was part of the Speak Now project at Anti-Slavery Australia and is freely available on the My Blue Sky Website, [Frontline Worker Guide \(mybluesky.org.au\)](https://mybluesky.org.au).

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<sup>6</sup> Journal article currently under review in *Social & Legal Studies*.

<sup>7</sup> Anti-Slavery Australia, University of Technology Sydney, *Frontline Worker Guide: Identifying and Responding to Forced Marriage in Australia* (July 2022).

**Other findings related to the need for routine national training for frontline workers**

2. **Frontline workers and organizations are interested in building their skills around forced marriage**, in fact there was a huge response with over 1300 workers from diverse sectors in each state and territory in Australia participating in Speak Now’s National Tour forced marriage training. Participants have made follow-up requests for further training on forced marriage and modern slavery with several already conducted by the Speak Now team.



3. **Speak Now’s National Tour forced marriage training (consisting of predominantly in person and some online training sessions) was effective in increasing workers confidence and capacity to identify and respond to forced marriage.** All participants who attended the national tour, who did not already have good knowledge or confidence, reported an increase in their knowledge of what forced marriage is, the indicators and the referral pathways, as well as an increase in their confidence responding to forced marriage.

**1. 2 Youth perspectives can inform primary prevention of forced marriage**

Speak Now researchers and five of the Speak Now Youth Ambassadors (peer researchers) worked together to explore the pressures young people experience around relationships / marriage, and how they navigate them. The peer researchers came up with a research objective and set of research questions and conducted a total of 10 focus groups with their peers (facilitating two focus groups each) in order

to respond to these questions. The peer researchers led the analysis of the focus groups, and the team collaboratively developed key findings from the research.<sup>8</sup>

### **1.3 A survivor-oriented response to forced marriage requires work with families and communities**

In Speak Now we recognise that the young people affected by forced marriage are often deeply embedded within familial relationships and community networks. To better understand their family and community contexts, we interviewed eight survivors of forced marriage. Twelve interviews were also conducted with professionals who support those in or at risk of forced marriage to explore how models of support interact with family and community dynamics.

A survivor-oriented approach involves working with families and communities, recognizing the complex dynamics and the need for support at these levels. The focus should extend to primary prevention activities addressing forced marriage in Australia.

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<sup>8</sup> Research currently being prepared for submission.



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# **The Salvation Army Lived Experience Engagement Program (LEEP)-Review of the NSW Modern Slavery Act 2018.**

*Funded by the Australian Government*

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## Acknowledgement of Country

The Salvation Army acknowledges the Traditional Owners of the lands and waters throughout Australia. We acknowledge that First Nations peoples have experienced exploitation, forced labour, servitude and slavery as part of Australia's history of colonisation. We recognise both the intergenerational impacts of this oppression and the endurance of Aboriginal and Torres Strait Islander communities and cultures despite this. We pay our respect to Elders and acknowledge their continuing relationship to this land and the ongoing living cultures of Aboriginal and Torres Strait Islander Peoples across Australia.

## The Lived Experience Engagement Program (LEEP)

The Salvation Army delivered the Lived Experience Engagement Program (LEEP) with the aim of creating a forum for survivors of criminal labour exploitation to use their lived experience to directly consult with government, to assist in preventing, identifying and responding to modern slavery. This program was funded by the Australian Government's National Action Plan to Combat Modern Slavery 2020-25 Grant Program for two years from August 2021. This included a program design phase and one year of operating the program to facilitate the creation of a pilot Survivor Advisory Council (SAC) to government. The LEEP addressed the lack of official forum for survivors of modern slavery in Australia to engage directly with government and supported the National Action Plan action item to develop a victim and survivor engagement and empowerment strategy.

The development of the LEEP model took an appreciative inquiry approach, drawing upon the depth of best practice lived experience engagement work occurring overseas in the anti-slavery movement as well as within the Australian context across diverse sectors. The model development included a review of the literature and existing frameworks, followed by consultation interviews with survivor advocates and lived experience experts in Australia and overseas. The LEEP model has also drawn on The Salvation Army's own experience in amplifying survivor voice through the Freedom Advocates program and its Lived Experience and Participation Framework. Consultations sought to understand modes of effective lived experience engagement and necessary support structures in order to establish best practice principles to guide the operations of the LEEP and the SAC.

The LEEP framework was operationalised from July 2022 - August 2023, bringing together a group of 6 survivors of criminal labour exploitation to form the pilot Survivor Advisory Council. As part of the onboarding, participants took part in informed consent processes, risk assessment, safety and wellbeing planning with LEEP staff and the consultant psychologist. Group formation occurred and participants took part in individual and group goal setting as well as training on skills relevant to working in policy advocacy and partnership with government, for example understanding the structure of Australian Government and the positioning of the National Action Plan to Combat Modern Slavery 2020-25.

The LEEP staff and the Commonwealth Attorney General's Department worked closely together to coordinate consultations. From December 2022 - August 2023, the 6 members of the SAC took part

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in consultations with government representatives on a number of key issues, as well as participating in the National Roundtable on Human Trafficking and Slavery, the National Modern Slavery Conference and several other engagement opportunities with key stakeholders. The LEEP supported SAC members through regular group and individual meetings focused on preparation and debriefing, with most consultations held online and some in person. SAC members received honorariums for their time and contribution in SAC consultations, and additional expenses such as childcare expenses and interstate travel were reimbursed. LEEP staff facilitated access to engagement with the Consultant Psychologist for support and connected participants with legal advice as required, based on their individual circumstances and public engagement risks.

The monitoring and evaluation framework for the LEEP and pilot Survivor Advisory Council took a representative participatory approach. Feedback and input from all parties associated with the program - survivor participants, program facilitators, government representatives - was sought throughout the duration of the program through surveys and interviews, evaluating the program impacts at an individual and systemic level.

The project has achieved its objectives to:

1. Develop an evidence-based, survivor-endorsed written model for ethical and effective government engagement with survivors of modern slavery, particularly criminal labour exploitation.
2. To provide an empowering forum for victim-survivors of criminal labour exploitation to safely utilise their lived experience to create positive change
3. Provide constructive consultation to Government and key agencies on how to most effectively prevent, identify and disrupt criminal labour exploitation occurring in Australia.

In doing so, project monitoring and evaluation against key overarching questions has found:

- o Individual and system level outcomes arising from the program, including:
  - Movement from lived experience to lived expertise
  - Confidence
  - Peer connection
  - Knowledge and skill development
- o Efficacy of the LEEP and SAC model in meeting program aims and in attaining significant outcomes across the lifespan of the program.

## Where to?

The Salvation Army was successful in applying in a new funding round to continue LEEP's activity and expand membership to all forms of Modern Slavery, including forced marriage. The Salvation Army's LEEP public report, including reflections from participants, key recommendations and a summary of Monitoring and Evaluation will be released December 5<sup>th</sup> and available on our website <https://www.salvationarmy.org.au/modernslavery>

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If you would like to meet to discuss more about survivor engagement, the LEEP, or The Salvation Army's other services, please feel free to contact [Policy.Advocacy@salvationarmy.org.au](mailto:Policy.Advocacy@salvationarmy.org.au).

