

30 May 2025

Modern Slavery Committee  
NSW Parliament House  
6 Macquarie Street  
Sydney NSW 2000

Dear Committee

**RE: Inquiry into modern slavery risks faced by temporary migrant workers in rural and regional New South Wales**

Following the Modern Slavery Committee's (**the Committee**) public hearing on 30 April 2025, the Refugee Advice and Casework Service (**RACS**) were provided supplementary questions for response. RACS provides our response to the questions relevant to our practice below.

**(1) What specific legal changes would you recommend to NSW Legislation e.g. the Residential Tenancies Act?**

RACS recommends that the application and processing fees for requests to access NSW government information be removed or explicitly waived for survivors of modern slavery as well as people seeking asylum, refugees, the stateless and displaced persons.

The *Government Information (Public Access) Act 2009* (NSW) regulates an individual's ability to access government information in New South Wales. RACS regularly assists people with making such requests where information held by the government would be relevant to their application for a visa. For example, RACS' Women at Risk program frequently supports women who have experienced domestic violence including forms of modern slavery to request copies of police reports or other documents held by the police that may evidence this harm. RACS also supports people to make requests for their personal information held by schools, hospitals and other public sector agencies in NSW.

Section 41(1)(c) of the *Government Information (Public Access) Act 2009* (NSW) stipulates that a valid application must be accompanied by a \$30 fee. Section 64 further provides agencies with the ability to impose processing charges at a rate of \$30 per hour for each hour of processing time for the application. Whilst the Act contemplates waivers,<sup>1</sup> and discounts of this fees<sup>2</sup> it is our experience that these waivers are discretionary and not often applied to those assisted by RACS.

As a not-for-profit community legal centre supporting people on a pro bono basis, many of the clients supported by RACS are experiencing significant financial distress. This can be owing to their legal status which could prevent them from legally working in Australia, or a myriad of social and health issues that could complicate their ability to work. The payment of fees associated with these requests can act as a serious barrier to accessing vital information that could support the progression of their visa applications in Australia; and the ability of victim/survivors of exploitation, family violence and modern slavery to access justice.

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<sup>1</sup> *Government Information (Public Access) Act 2009* (NSW)(**GIPA Act**) ss 51A and 127.

<sup>2</sup> *Ibid* ss 65 – 67.

Notably, the federal equivalent *Freedom of Information*<sup>3</sup> scheme does not require the payment of fees where an individual is requesting their own personal information. RACS recommends that a similar model be adopted at a state level, where an individual should not have to pay money to access their own information.

Whilst not a specific recommendation for reform, RACS also reiterates the critical importance of housing support for people experiencing or at risk of exploitation and forms of modern slavery. It is well evidenced that over half of modern slavery survivors in Australia are migrants,<sup>4</sup> yet people on temporary visas are excluded from accessing most emergency and all public housing. At RACS we observe that if these fundamental needs go unaddressed, it becomes understandably difficult to engage with people to assist them with resolving their legal matters. The forthcoming NSW Homelessness Strategy 2025-2035 must consider and meaningfully address the emergency, transitional and long-term housing needs of people on temporary visas, particularly people seeking asylum and survivors of modern slavery.

With respect to the *Residential Tenancies Act 2010* (NSW), we defer to our colleagues at Redfern Legal Centre who made specific recommendations around reforms to better protect workers at risk of exploitation, particularly those who reside on-site at workplaces.

RACS also notes the submissions made to NSW Government with respect to the last statutory review of the *Victims Rights and Support Act 2013* (NSW), and particularly the recommendations put forward by our colleagues at Women's Legal Service and Anti-Slavery Australia. Those submissions contained practical and important reforms that would allow the scheme to better meet the needs of survivors of forms of modern slavery.

## **(2) Precarious visa holders**

- a. You support individuals who may be on bridging visas, stateless or without legal status. Are they often working in the same regional sectors – like agriculture – but completely invisible to regulators?**

Anecdotally, RACS has seen these populations working in sectors such as agriculture, construction, meat processing, the service industry (particularly in hospitality, cleaning and domestic work) and the sex work industry.

- b. How do we bring this group into visibility without creating fear of detention or deportation?**

People seeking asylum, those on short term bridging visas, the stateless and people without legal status may have fraught relationships with government authorities and agencies. To bring this group into visibility without cultivating a fear of detention and deportation, it will be critical to fund multicultural, interpreting and legal services independent of the government who may be able to foster safe connections with these communities. Front line workers including the police, interpreters and medical staff should receive mandated training to properly identify indicators of exploitation and modern slavery, as well as cultural competency training. This training should be developed in tandem with and informed by survivors of modern slavery, as well as other groups that may experience specific barriers to justice making them more at-risk of such acts and practices.

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<sup>3</sup> Regulated by the *Freedom of Information Act 1982* (Cth).

<sup>4</sup> Australian Red Cross, Snapshot, available at: <<https://www.redcross.org.au/globalassets/cms/migration-support/support-for-trafficked-people/support-for-trafficked-people-data-snapshot-2009-2019.pdf>>.

### **(3) Fear and legal isolation**

#### **a. What are the psychological or cultural barriers to seeking help among your clients? Is fear of government or legal systems a legacy of trauma or a result of local conditions?**

RACS' submission to the Committee sets out a non-exhaustive list of barriers clients face when attempting to seek help, which is extracted again below:

- An inability to safely return to their home country and thus a heightened vulnerability in the immigration framework;
- The mental health impacts from experiences of trauma born out of a refugee background;
- A fear or distrust of authority where acts of persecution were perpetrated by authorities in the person's home country or where there was a failure to provide adequate state protection from harm;
- Increased stigma and politicisation;
- Cultural and social differences;
- Physical health and disability status;
- Lack of access to resources or accessible information;
- Financial and housing insecurity; and
- Lack of access to support.

People in regional or rural areas experience further practical challenges, including limited access to tailored support services, culturally competent frontline assistance, specialised counselling support and communication technologies in rural settings.

The experience of displacement and resettlement can be deeply traumatic and can be exacerbated by issues such as prolonged family separation, limited social networks, or language proficiency. We observe that fear of government or legal systems in people seeking asylum, refugees and the stateless can be borne from a legacy of trauma and further compounded by local conditions. An example of this is where victim-survivors may struggle to engage with law enforcement due to cultural or language barriers, which could even lead to their misidentification as perpetrators of violence or other crimes themselves.

#### **b. How would a culturally informed state-run helpline differ from federal complaint pathways?**

A culturally informed state-run helpline could differ from federal complaint pathways by providing a more tailored support service, aiming to connect callers with local service providers. This ought to be done in regular consultation with service providers to account for changes in eligibility criteria, intake processes and capacity. In our submission, Governments seeking to refer people to support services should play a role in ensuring those services have sustainable funding to enable them to deliver that service.

### **(4) Community legal education and outreach**

#### **a. You mention that RACS conducts legal education programs. Are these reaching rural migrant communities? What would you need to scale this to priority regions in NSW?**

RACS has recently conducted 11 community legal education outreach sessions across regional and rural NSW. These sessions amassed over 200 attendees and were held in areas including Bathurst, Coffs Harbour, Newcastle, Wagga Wagga and Griffith.

To scale these community legal education programs to priority regions in NSW, RACS would benefit from further multi-year funding to direct resources to this work.

**b. Should the state fund place-based community legal educators to build long-term trust?**

We recommend that the state fund both place-based multicultural services and specialised legal services in order to build long-term trust and sustainable support. RACS is the only dedicated legal service supporting people seeking asylum and refugees in NSW and has done so for over 35 years. It is our submission that individuals requiring legal support would benefit from sustainably funded expert legal services, who can collaborate with sustainably funded place-based casework and multicultural services to provide wraparound support that will holistically address their needs.

We have found that through our regional community legal education sessions, through engaging with local multicultural service providers, we have been able to build meaningful connections with communities and have been able to provide follow up advice and representation as needed. Given the specialised nature of our work, we feel that a model like this works best: where RACS is funded to visit regional areas and connect with place-based multicultural support services to provide training and outreach.

**(5) Policy solutions for stateless and vulnerable workers**

**a. You propose a Migration Justice Legal Service – what specific service would it offer, and where would you locate it first?**

This is not a proposal made by RACS, and we accordingly defer to the comments of our colleagues on this topic.

**b. Would you support a guarantee of safe reporting in NSW – where workers can report exploitation without fear of triggering immigration enforcement?**

RACS would support a guarantee of safe reporting in NSW and believe that this could help empower individuals with more confidence to approach and trust authorities and report exploitation. RACS is aware of cases where people who have experienced exploitation have reported to police and it has triggered their apprehension and immigration detention due to not holding a visa. Where policy settings require information sharing between the states and Commonwealth, including agencies like ABF (Australian Border Force), victim-survivors will continue to fear reporting. Providing a guarantee to workers, including those without visas, would go a long way in preventing and addressing modern slavery and criminal exploitation.

**(6) Integration with broader anti-slavery reforms**

**a. Do you believe the current NSW Modern Slavery Framework accounts for the realities faced by your clients? What reforms or policy additions would ensure they're included?**

While both the Commonwealth and state governments have committed to combatting modern slavery, RACS observes that refugees and people seeking asylum remain at serious risk of exploitation and harm. This community continues to be highly politicised, stigmatised and marginalised by legal frameworks; the cumulative effect of which places them in precarious conditions that can heighten their risk of experiencing modern slavery.

Despite migrants and people seeking asylum being overrepresented in statistics concerning modern slavery, reforms to the immigration framework remain a significant blind spot in government plans to address the factors giving rise to modern slavery. In the absence of meaningful and considered reform, it is likely that these harms will continue. The immigration framework should not be siloed from the issue of modern slavery. It is RACS concern that without meaningful immigration reform, both the NSW and federal Modern Slavery Framework will continue to fall short of accounting for the realities faced by our clients. We strongly encourage the Committee to partake in interjurisdictional cooperation and communication to recognise and address systems abuse, including that which occurs in the context of the immigration framework.

We trust that this information is useful for the Committee in their deliberation of the modern slavery risks faced by temporary and migrant workers in rural and regional NSW.

Yours sincerely

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