

**Submission
No 76**

INQUIRY INTO MODERN SLAVERY ACT 2018 AND ASSOCIATED MATTERS

Organisation: The A21 Campaign Ltd

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To the NSW Legislative Council's Standing
Committee on Social Issues - Inquiry into
the *Modern Slavery Act 2018* and
associated matters.

Prepared by The A21 Campaign Ltd.

Who We Are:

The A21 Campaign (A21) is an international anti-human trafficking organisation with a global presence in 14 locations across 12 nations. A21's anti-human trafficking efforts range from developing and providing holistic and sustainable prevention strategies to at-risk groups, training frontline officials on indicators of human trafficking, assisting in prosecution efforts, and providing aftercare and repatriation services to survivors of human trafficking. As a result of our efforts, our organisation has developed a broad range of experience in combating human trafficking.

Preliminary Comments:

William Wilberforce is famously quoted for saying “you may choose to look the other way but you can never say again that you did not know” regarding slavery. It is our responsibility as parties aware to the atrocities of human trafficking to play our part in combating this injustice. NSW Premier Gladys Berejiklian has also stated that ‘there is an undeniable moral imperative to take action in relation to all forms of modern slavery’.¹ At A21, our mission is to abolish slavery everywhere, forever. We therefore believe, as the above statements challenge, that we have a responsibility to fight this injustice, and as such so does the NSW Government and all those who contribute to this global issue. According to The Global Slavery Index 2018, as at 2016 there are an estimated 40.3 million human beings living in slavery today², and the Asia-Pacific region is recorded to have the highest number of victims across all forms of modern slavery, with two thirds of the global estimate within this region.³ Our region.

1 Premier Gladys Berejiklian, in her second reading speech for the Act, 6 June 2018. Retrieved from <https://www.parliament.nsw.gov.au/Hansard/pages/home.aspx?s=1>

2 Walk Free Foundation. (2018). *Global Slavery Index Report 2018*. Retrieved from <https://www.globalslaveryindex.org/2018/findings/highlights/>

3 Walk Free Foundation. (2018). *Global Slavery Index Report 2018 - Asia and the Pacific*. Retrieved from <https://www.globalslaveryindex.org/2018/findings/regional-analysis/asia-and-the-pacific/>

We understand that this inquiry into the NSW Modern Slavery Act (MSA) (2018) has been implemented as a means to strengthen the NSW MSA further and to ensure that there are no contradictory elements to any legislation within, however we want to ensure that the NSW MSA does not indeed lose any of its strength and that any changes put into effect are purely done so to enhance its operability. As it stands, the NSW MSA is the strongest of its kind globally and we do not want to see this diminished.

Comments on specific items within the terms of reference:

Term of Reference (a)

The operability of the proposed anti-slavery scheme.

In examining the terms of reference, it is understood that this inquiry is not in place to re-examine the initial reasons for implementing the NSW MSA. Rather, the proposed amendments are put forth to better reflect the original intent behind the Act. A21 largely agrees with the proposed amendments and are of the opinion that they address concerns raised according to the operability of the anti-slavery scheme.

It is our position that the Amendment Bill ensures the operability of the proposed anti-slavery scheme by:

- Further clarifying and distinguishing the role of the Anti-slavery Commissioner.
- Clarifying any areas of ambiguity that have been made apparent in the drafting of the NSW MSA.

It is important that the NSW MSA Amendment Bill:

- Continues to include penalties for non-compliance in reporting, recognising that schemes without penalties, such as the UK MSA 2015, have had limited success in achieving compliance in supply chain reporting.⁴

4 U.S. Department of State. (2019). *Trafficking in Persons Report June 2019*. Retrieved from <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

- Retains the threshold of \$50 million for mandatory reporting.

Term of Reference (g)

Whether the passage of the Modern Slavery Act 2018 (Cth) renders parts or all of the NSW Act unnecessary, or requiring of amendment to address inconsistencies or gaps.

In no way do we believe that the Modern Slavery Act 2018 (Cth) renders any part of the NSW MSA unnecessary. It will take a holistic approach to combat the injustice of human trafficking. The NSW MSA provides this holistic approach as it offers a variety of components that the Cth MSA currently does not. These include the following:

- An Anti-slavery Commissioner that has the power to review the Act regularly and provide advocacy and victim support.
- Education and awareness raising on the issue of human trafficking to the general public and business community.
- Government procurement covered by the Act.
- Penalties for non-compliance through modern slavery risk reporting.

The approach of the NSW MSA therefore is more person-centred and engages society as a whole, with efforts to involve civil society, businesses, government, and the general community in the discourse and fight against modern slavery. The Cth MSA currently has a focus purely on supply chain reporting with respect to modern slavery. The \$50 million threshold for reporting required in the NSW MSA is also more in keeping with the UK MSA 2015 threshold, and is better practice as opposed to the \$100 million threshold listed in the Cth MSA.

Term of Reference (h)

The preferred course of action to address the matters identified.

As it stands the NSW MSA was set to come into effect from 1 July 2019, however has been delayed as a result of this inquiry. Submissions to this inquiry close 4 October 2019 and the inquiry report is not due until 14 February 2020. This timeframe should be narrowed as every day that this Act is not put into place sees the potential for more people to enter into slavery. Whilst we agree that there is a certain level of “tidying up” required with regards to the NSW MSA, we recommend a clear timeline set forth to enable the Act to come into effect from 1 January 2020.

Term of Reference (i)

Any other related matter.

In the NSW MSA there is reference to establishing and maintaining a hotline for provision of advice and assistance to children and other persons who are, or may be, victims of modern slavery. In A21’s initial inquiry into human trafficking submitted February 2017, we highlighted the importance and effectiveness of hotlines with regards to combating human trafficking and we wish to reiterate the importance of establishing a hotline for this purpose. Indeed, Forbes Magazine has stated that hotlines have been seen as one of the ‘most salient technological advances augmenting the work of those fighting slavery’.⁵

We therefore would like to take this opportunity to again advocate for the implementation of a non-law enforcement administered hotline that works in partnership with local law enforcement, government bodies and NGOs. As we put forth previously, we believe this will result in the following: reduced pressure on law enforcement, a streamlined reporting process, and a reduction of fear and distrust by trafficking victims. Additionally, if partnered with an awareness campaign, a hotline will also increase the understanding of

⁵ Rebecca Sadwick, 7 Ways Technology is Fighting Human Trafficking, FORBES MAGAZINE (January 11, 2016). Retrieved from <https://www.forbes.com/sites/rebeccasadwick/2016/01/11/tech-fighting-human-trafficking/#5598e1c06cac>

human trafficking by the general population and provide a practical avenue through which everyday Australians might be able to assist in combating human trafficking and exploitation.

At A21, we believe that awareness and education on the realities of modern slavery are imperative to its solution. Supporting this, The United Nations Office of Drugs and Crimes (UNODC) has noted that awareness and education are key in the fight against human trafficking.⁶ We therefore promote the aspect of the NSW MSA that highlights the importance of raising awareness of modern slavery in the general community, and it is our hope to enhance this through the educational resources we have available.

A21's National Student Program is a free program that began in 2014 and is outworked by A21 Australia. The purpose of the program is to educate and inspire high school students across our nation to end slavery. This program has reached thousands of students in dozens of schools across NSW alone since its implementation, with positive engagement. We are committed to disrupting the demand of slavery through raising awareness and providing simple and effective ways for students to take action. Through these presentations we comment on the current legislation that is in place in Australia and across the globe. Therefore, we look to make reference to the NSW MSA and what this piece of legislation can contribute to combating human trafficking.

A21 also provides a variety of free educational resources on modern slavery. The Human Trafficking Awareness Program (HTAP) released March 2019, aims to equip everyday individuals to impact their community with information about human trafficking while empowering them with “next steps” for abolishing it. It contains three interactive lessons which take approximately one hour each to complete and are suitable to be used in both academic and community small group and large presentation settings. There are step-by-step instructions, accompanying videos, and additional resources that make this

⁶ United Nations Office on Drugs and Crime, Awareness and Education are Key to Beating Human Trafficking, (Feb. 7, 2011). Retrieved from [https://www.unodc.org/unodc/en/frontpage/2011/February/awareness and education are key to beating human trafficking.html](https://www.unodc.org/unodc/en/frontpage/2011/February/awareness%20and%20education%20are%20key%20to%20beating%20human%20trafficking.html).

program easy to facilitate and effective for audiences aged 13 years and over. It is also translated into seven languages. This resource has the potential to go into communities across Australia, including remote areas that may otherwise not be reached. Most people are still unaware that slavery exists and do not realise it is occurring within Australia. However, once educated, these communities are then given the tools to take action to be a part of the solution against modern slavery.

In addition to this, we have also developed a School Curriculum, Bodies Are Not Commodities (BANC). The BANC Curriculum was released in 2016 and contains five innovative and interactive sessions. This curriculum has been standardised to education standards for Australia, and is a tool to equip secondary teachers to educate their students about human rights, the history of slavery, the five main forms of human trafficking, methods traffickers use to recruit victims, the role of technology, and how students can be a part of the solution to fighting human trafficking. A21 recognises that student-aged children are some of the most at-risk population for becoming victims of trafficking, and also play an integral role in being a part of the solution. It is our job to protect the vulnerable and assist in preventing human trafficking before it even begins.

We are encouraged by the educational and awareness raising aspect of the NSW MSA and we hope to contribute our educational resources to enhance the understanding and awareness of modern slavery within the general community of NSW and Australia more broadly. It will take all of us working together to abolish slavery everywhere, forever.