

**Submission  
No 83**

**INQUIRY INTO MODERN SLAVERY ACT 2018 AND  
ASSOCIATED MATTERS**

**Organisation:** Sydney Fish Market

**Date Received:** 4 October 2019

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## Modern Slavery Regulation 2019 Submission

Sydney Fish Market Pty Ltd (SFM) is a working fish market which sources product from all Australian fisheries management jurisdictions and trades about 13,500 tonnes of seafood annually. Our 2017/18 annual earnings were just over \$14 m.

SFM fully supports the objectives of both the Commonwealth and NSW Modern Slavery legislation and are in the process of implementing our Modern Slavery Policy. We welcome this opportunity to provide feedback on the draft Modern Slavery Regulation 2019 and would be interested in attending future briefing sessions to learn more and share our experiences with other NSW businesses.

We focus our submission on feedback requested under Section 4 (“Have your say”) on the Explanatory Paper: *Supply Chain Reporting Requirement for Business* and address only questions which are pertinent to our business.

### **Q1. How can the Anti-Slavery Commissioner best support businesses to comply with the reporting requirement under the Act? What guidance would businesses find helpful in preparing their statements?**

SFM’s annual turnover falls below the \$50 million reporting requirement for a Modern Slavery Statement. However, we consider assessing and mitigating against modern slavery risks within our business as simply good business practice. To this end, the company is guided by our Modern Slavery Policy and implementation plan. Despite not legally being required to do so, we intend to prepare an annual Modern Slavery Statement to be published on the NSW Register.

We note that the Commonwealth Draft Guidance for Reporting Entities goes some way to describe processes and actions, but additional guidance would be helpful – particularly more detail and examples of good or best practice and real-life examples of implementation in industries where there are different levels of risk. From our perspective, the focus of this further guidance would be on the following two Mandatory Criteria:

7 (d) due diligence and remediation processes

7 (e) ways to assess effectiveness of such actions, in particular metrics of effectiveness.

### **Q3. Should the NSW scheme enable voluntary reporting from businesses falling below the \$50 million turnover threshold and who choose to comply with its requirements?**

Yes, please see our responses to Q1 above.



#### **Q.4. what are stakeholder views on the public register, and what functions could it include?**

The public register must make clear, and more importantly, communicate to those that access the register, that the purpose of Modern Slavery reporting is to demonstrate efforts being undertaken by reporting entities to identify and mitigate risks of modern slavery. It is not to be used for naming and shaming. To serve as a gentle reminder of this objective to users of the site, we would suggest that anyone who wishes to access modern slavery statements is requested to read and accept a short statement to this effect, prior to accessing the reports.

We believe that most seafood consumers are unlikely to read modern slavery statements. It is more likely that the information contained in these statements will be used by human rights advocacy groups and others concerned stakeholders to inform the public about the issue. To avoid the risk of misinterpretation, SFM believes that the Australian community needs to be informed on the objectives of the legislation and transparency should be applauded, not vilified.

#### **Q.5. what would be the easiest way to lodge statements with the Commissioner? Would businesses prefer to upload statements onto the register if this function is made available?**

Uploading would be the easiest way to lodge the statements. There should be sufficient capacity for large file sizes to allow for company branding, graphics and images.

#### **Q.6. How long should statements be available on the register?**

Statements are in the public domain. Ideally there should be no limitation on their availability. A publicly available archive of statements older than three years would make sense. Those that submit voluntary statements should be able to withdraw their statement/s from the register at any time if they so wish.

#### **Q. 9. What communication channels can the Commissioner use to raise awareness of the Act's requirements and effectively engage with businesses?**

SFM has experienced challenges to meaningful engagement on forced labour. In our industry, one-on-one conversations are more effective than written material or group training/workshops, but this is resource intensive. The Commissioner could facilitate effective ways to engage on the issue including different methods of information. We would suggest the NSW government provide specific funding for effective engagement, drawing upon expertise in communications and from the different industry sectors.

#### **10. How should the Commissioner allow for businesses and civil society to provide feedback on the effectiveness of the reporting requirement?**

Feedback on effectiveness of the reporting requirement requires metrics to be developed which can be applied to all businesses. Setting NSW State targets would help businesses report on how they have contributed to the achievement of these targets. These should be developed in consultation with the business community. It is likely that these metrics would then have to be further distilled into two or three key metrics which can be communicated and understood by the Australian public.



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**11. What other issues does the Commissioner need to consider to implement a workable system of supply chain reporting under the Act?**

The Act refers to “reasonable steps to ensure that goods and services procured by and for the [government] agency are not the product of modern slavery within the meaning of the Modern Slavery Act 2018.”

Although not a government agency, guidance as to what are “reasonable steps” would be of relevance to businesses, including SFM.

Thank you for the opportunity to comment.



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