

**Submission
No 93**

INQUIRY INTO MODERN SLAVERY ACT 2018 AND ASSOCIATED MATTERS

Organisation: Muslim Women Association

Date Received: 11 October 2019



MUSLIM WOMEN ASSOCIATION

- Community Development • Settlement Support • Homelessness and Domestic and Family Violence
- Advocacy and Representation • Health and Wellbeing

11 October 2019

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

Dear Sir/Madam

Muslim Women Association is a not for profit organisation established in 1983 to cater to the needs of Australian women from all CALD background. The Association attaches value and importance to the role of women within the family and in the society at large. Superiority is not measured on the basis of ones' gender, race or colour but on their ability to be just and promote goodwill. Muslim Women Association continues to promote basic human rights and social justice through close partnerships as a way of remedy addressing inequalities and injustice.

We are deeply concerned that the decision by the NSW Government to refer the NSW Modern Slavery Act 2018 (NSW Act) to the Legislative Council Standing Committee on Social Issues for review rather than enacting the legislation has placed the intention, implementation and effectiveness of the Act at risk – and with it the lives of thousands if not millions of people living in modern slavery both in Australia and across the world.

A government press release announced the appointment of its first Anti-Slavery Commissioner on 21 December 2018 'to implement ground breaking new legislation that will combat modern slavery practices'. The brief to 'spend the next six months driving the implementation... of the Act before full commencement on 1 July 2019, and work closely with key stakeholders to ensure the roll out is smooth and effective.' The interim Anti-Slavery Commissioner was quoted as "excited by the opportunity to strengthen NSW's response to modern slavery". Tim Reardon, Secretary of the NSW Department of Premier and Cabinet, proudly proclaimed: "NSW was the first Australian jurisdiction to introduce this specific legislation and today's appointment underlines NSW's commitment to combat modern slavery practices."

In announcing its Inquiry, the Government has provided no clear timeline for when or if the Act will be implemented and appears to be retreating from the commitment with which the Bill was welcomed, passed and assented nearly 15 months ago. In recent months, the Act has been described by a government advisor to us as 'orphan legislation' on which we 'should not expect to see anything happen very soon'. If this is the case and the underlying intention is to shelve the Act as intended, the situation would be deeply regrettable and arguably criminally negligent – if not under the law under any basic moral code.



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MUSLIM WOMEN ASSOCIATION

Established 1983

The proposed timeframe for the Inquiry constitutes a minimum 12-month delay from the planned implementation date of 1 July 2019. Over this period, estimates indicate that the number of people living in slavery around the world will have increased by around twice the population of Sydney. This flies in the face of the government's proclaimed 'moral imperative' and arguably, on the government's own terms, delay, or worse burying entirely the NSW Act as intended, would not only be a denial of our established democratic processes but criminally and morally negligent

Having demonstrated leadership in 2018, the NSW government is now effectively playing with the lives of the world's poorest and vulnerable. As we have seen with other legislation before the NSW Parliament, such delay is not necessary. Neither is it good enough to brush away concerns by saying 'It's an important issue, we need time to get it right'.

We are happy to accept the Government's proposed amendments but do not believe that the Terms of Reference for the Inquiry should include a threshold consideration as to the value of the existence of the NSW Modern Slavery Act.

The NSW Modern Slavery Act 2018 has been and is widely regarded as the most comprehensive anti-slavery legislation in the world and a model for what anti-slavery legislation should look like. The United Nations target of 2030 to end all forms of modern slavery necessitates that world governments act with the commitment demonstrated by the NSW Parliament in 2018.

We deem the NSW Act's penalty scheme, subjecting companies and organisations failing to report or producing false or misleading information to significant fines, a necessary provision particularly in the light of UK experience*. We argue that the requirement must be mandatory and properly policed if UN and national commitments are to be taken seriously and real change to be effected.

A commitment to slavery-proofing supply chains should be seen as a necessary responsibility and cost of running a business - just as companies and organisations are required by law to provide annual accounts and tax returns, maintain public liability, pay their staff superannuation, fulfil OH&S requirements, etc etc. Such requirements are not optional and are a governance responsibility for every board.

Muslim Women Association congratulates the NSW government for showing moral leadership on this issue in 2018, that leadership dims with the delay.

As a matter of urgency, and in recognition of the moral imperative, we urge that the NSW Modern Slavery Act is implemented without delay for the sake of the millions of victims around the world and for the sake of the reputational standing of the NSW Parliament.

Muslim Women Association
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