

**Submission  
No 6**

## **INQUIRY INTO REVIEW OF THE MODERN SLAVERY ACT 2018**

**Organisation:** Australian Human Rights Commission (AHRC)

**Date Received:** 5 October 2023

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Modern Slavery Committee  
Parliament of New South Wales

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### **Review of the Modern Slavery Act 2018**

The Australian Human Rights Commission (Commission) thanks the Modern Slavery Committee (Committee) for the opportunity to provide a submission to the Review of the *Modern Slavery Act 2018* (NSW) (the Act).

The first question asked by the Committee Terms of Reference is ‘whether the policy objectives of the Act remain valid’. The first object outlined in s 3(a) of the Act is ‘to combat modern slavery’. This remains a critically important objective.

The Universal Declaration of Human Rights is based on a recognition of the inherent dignity of humans, and the equal and inalienable rights that extend to every individual. Slavery is an affront to these fundamental values. It is dehumanizing and profoundly wrong, no matter its specific form or circumstances.

The Global Slavery Index 2023 has estimated that on any given day in 2021 there were 50 million people living in modern slavery across the world, including an estimated 41,000 individuals living in modern slavery in Australia. The global figure has grown by around 10 million people since 2018.<sup>1</sup> The existence of modern slavery to any extent should never be accepted or tolerated. These estimates highlight the continued validity of the policy objectives outlined in the Act.

The second key question asked by the Terms of Reference is ‘whether the terms of the Act remain appropriate for securing the objectives’. The Commission would here highlight that, in accordance with the requirements of s. 36 of the Act, this review is being undertaken shortly after the Act itself was enacted. The Act came into effect in 2022, and the NSW Anti-Slavery Commissioner only took office on 1 August 2022.

In our view, there has not yet been sufficient time for the changes envisaged by the Act to be properly embedded across NSW, or for the full impact of Act to be realised. We would recommend that the Committee consider undertaking a further review of this Act in three years’ time. This would coincide with the conclusion of the NSW Anti-Slavery Commissioner’s Strategic Plan 2023 – 2026, *Working together for real freedom*.<sup>2</sup> It would provide an appropriate opportunity to review the impact of the Act and whether its terms remain appropriate for securing its objectives.

A key initiative under the Act was the establishment of an Independent Anti-Slavery Commissioner. This was welcomed by the Commission, and we have continued to also advocate for the introduction of an Anti-Slavery Commissioner at the federal level. In recognition of the fact that the Federal Government has recently provided \$8 million over four years to enable Australia's first federal Anti-Slavery Commissioner to be established,<sup>3</sup> we would encourage both this Committee and the NSW Anti-Slavery Commissioner to work closely with the Federal Government to ensure that the respective roles of the NSW and Federal Anti-Slavery Commissioners are well defined and complementary to one another.

Finally, we would encourage the Committee to consider recommending measures that would strengthen the independence of the NSW Anti-Slavery Commissioner in line with the clear intention expressed in s 7 of the Act. For example, the independence of the Commissioner would be enhanced by the introduction of a separate line-item in the State budget papers.

We would welcome the opportunity to expand on any of the above recommendations, or to provide any further assistance to the Committee.

Yours sincerely

Lorraine Finlay  
**Human Rights Commissioner**

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<sup>1</sup> Walk Free, *The Global Slavery Index 2023* <<https://www.walkfree.org/global-slavery-index/>>.

<sup>2</sup> Office of the NSW Anti-slavery Commissioner, *Working together for real freedom: NSW Anti-slavery Commissioner's Strategic Plan 2023 – 2026* <<https://dcj.nsw.gov.au/documents/legal-and-justice/anti-slavery-commissioner/plans-and-discussion-papers/working-together-for-real-freedom-nsw-anti-slavery-commissioners-strategic-plan-2023-2026.pdf>>.

<sup>3</sup> The Hon Mark Dreyfus KC MP, *Speech to National Modern Slavery Conference 2023* (29 June 2023) <<https://ministers.ag.gov.au/media-centre/speeches/national-modern-slavery-conference-2023-29-06-2023>>.