

**Submission
No 14**

INQUIRY INTO REVIEW OF THE MODERN SLAVERY ACT 2018

Organisation: The SlaveCheck Foundation Limited

Date Received: 13 October 2023



RESPONSE TO:

**NSW Upper House Modern Slavery
Committee - Review of the Modern
Slavery Act 2018**

FROM:

The SlaveCheck Foundation Limited

6 OCTOBER 2023

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1. Who we are

The SlaveCheck Foundation is a registered charity which administers the ‘for purpose’ aspects of the SlaveCheck modern slavery solution (**‘SlaveCheck’**).

SlaveCheck helps businesses globally to comply with antislavery legislation as part of leading, coordinating and managing the systematic elimination of modern slavery.

We do this via a global, survivor centric modern slavery due diligence system comprised of **people + process + technology**, self-funded via a ‘profit-for-purpose’ business model.

Paul Green is the Chairman of The SlaveCheck Foundation.

For more information visit www.slavecheckfoundation.org.au

2. Terms of Reference

Our response addresses 1(a) of the Terms of Reference, namely:

‘To review and determine whether the policy objectives of the Act remain valid and whether the terms of the Act remain appropriate for securing the objectives.’

3. Background

- (a) The original NSW Act, as debated and passed in May 2018, was regarded as ‘global best practise’ as endorsed by modern slavery experts such as Kevin Highland, the inaugural UK Anti-Slavery Commissioner:

“The New South Wales Government, as leading one of the largest economies in the Pacific Region, has an opportunity to demonstrate global leadership in the fight against modern slavery by introduction of one of the most comprehensive legislations in the world. It will bring improved victim identification and care, introduce an antislavery commissioner, provide continual monitoring, raise awareness and lead businesses into generating ethical profits free from exploitation and modern slavery.”

- (b) However, in 2021 many of the provisions of the Act were removed and/or amended to make the Act less effective. For example, the requirement of the current Act that government enterprises take ‘reasonable measures’ is subjective which has generally resulted in reporting entities taking less than effective efforts. For example, some organisations think that circulating a memo is ‘reasonable’, or ‘a sticker on the back of the dunny door’ is reasonable.
- (c) There are 50 million people trapped in modern slavery – mostly women and children. Despite global efforts over the past 8 years to address modern slavery, numbers are accelerating, now at over 5,000 new victims each day. In response, major governments around the world – AU, EU, UK, US - are aligning to ratchet up pressure on business to address the problem.

4. Recommendations

- A. That the NSW Act be harmonised and align with the Federal Modern Slavery Act, including the recommendations arising from the statutory review of the Modern Slavery Act 2018 (Cth) conducted by Prof. John McMillan. There were 30 recommendations, the most significant being:
- (a) That the Act compels reporting entities to implement a due diligence system that goes beyond 'reasonable measures' and imposes a duty to identify and assess risks and track performance in addressing them.
 - (b) That Penalties for non-compliance be introduced
- B. That, by way of leading by example, all government procurement programs be required to implement the same due diligence system as corporates.

5. Effect of Our Recommendations

Modern slavery is able to thrive in global supply chains due to globalisation and the lack of transparency in supply chain that has resulted from globalisation.

If there was 100% transparency in global supply chains, there would be no modern slavery. The corollary to this is that improving supply chain transparency will reduce supply chain-based modern slavery.

Our recommendations, if adopted, would result in NSW government being a global leader in implementing effective legislation capable of progressively building supply chain transparency – and thereby reducing the risks of modern slavery – across all government and private sector procurement in NSW.

6. Witness

We would welcome the opportunity to give evidence at a hearing.