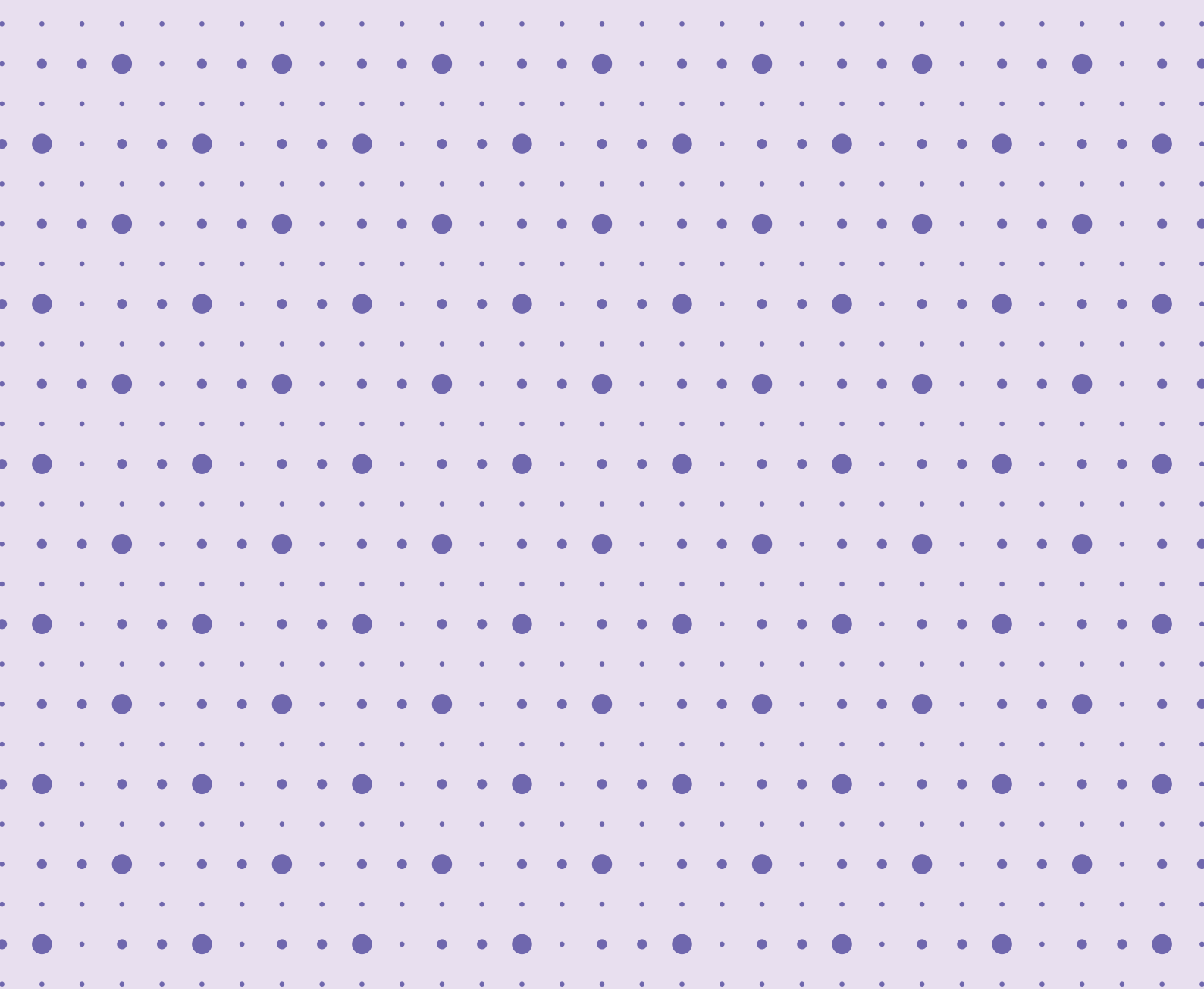


Foundations for Growth

NSW Anti-slavery Commissioner's Annual Report
Financial Year 2022-2023



This annual report, required under section 19 of the *Modern Slavery Act 2018* (NSW) has been developed by the Office of the NSW Anti-slavery Commissioner.

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Acknowledgement of Country

As New South Wales
Anti-slavery Commissioner,
I acknowledge that Aboriginal
and Torres Strait Islander
peoples are the first
peoples and traditional
custodians of Australia and
the oldest continuing culture
in human history.

I acknowledge that First
Nations communities in New
South Wales have survived
practices that today we call
modern slavery.

The legacies of that treatment continue to affect
Aboriginal and Torres Strait Islander people today, and
through them impact the New South Wales community
and economy.

My Office and I pay our respects to elders past and
present and commit to respecting the lands we walk
on and the communities we walk with.

We celebrate the deep and enduring connection
of Aboriginal and Torres Strait Islander peoples
to Country and acknowledge their continuing
custodianship of the land, seas and sky. We
acknowledge their ongoing stewardship and the
important contribution they make to our communities
and economies.

We reflect on the continuing impact of government
policies and practices and recognise our responsibility
to work together with and for Aboriginal and Torres
Strait Islander peoples, families and communities
towards improved economic, social and cultural
outcomes, self-determination and for real freedom.

► Creation

Gumbaynggirr/Dunghutti artist, Uncle Richard Campbell #28,
is a survivor of Kinchela Boys Home who continues to advocate for
healing from practices implemented at Kinchela outside Kempsey,
NSW that reflect what today would be called modern slavery.
This painting is part of his creation story.



Introduction from the Anti-slavery Commissioner



It is a privilege to be the first ongoing Anti-slavery Commissioner in Australia.

The role was created by the enactment and ultimate implementation, from 2022, of the *Modern Slavery Act 2018* (NSW) ('the Act'). That legislation was the culmination of many years of advocacy and hard work by people inside and outside government.

Significantly, the Act has enjoyed unanimous support from political parties in New South Wales (NSW). This is testament to the commitment of the people of NSW to combat modern slavery. It is also a reflection of the leadership of the leaders in numerous political parties, previously and now in government, as well as those outside government, who understood that commitment, and have acted upon it through adoption and implementation of the Act.

Yet the Act is just a starting point. It is not the outcome here, but the basis for action to achieve that outcome: the protection of the human right to freedom from slavery for all people in NSW, and touched by our commerce.

Taking action to combat modern slavery

There are, by the best estimate currently available, perhaps 16,400 people living right now in modern slavery in NSW.

As the first NSW Anti-slavery Commissioner, I feel a great responsibility to build the foundations for effective anti-slavery action in the state in the years ahead, so that we can bring this number down, measurably.

In my first 11 months in the role – I commenced in office on 1 August 2022, and this report runs to 30 June 2023 – I have been privileged to engage with and receive support and encouragement from every corner of NSW – literally from Armidale to Zetland, and from workers picking berries on the Central Coast all the way up to the office of the NSW Attorney-General on Macquarie Street.

Over the past year, I have travelled across NSW listening to farmers, business owners, supply chain experts, CEOs, academics, policy specialists, workers in vulnerable industries such as security, cleaning, sex work, hospitality, and agriculture. I met with those directly impacted by slavery-like practices and spoke to communities around the state about what modern slavery is, how we can identify it, and importantly, how we can work together to address it.

The central importance of lived experience

We will need to keep working together for real freedom. And to ensure our efforts are effective, we will need to put people with lived experience at the heart of our work.

In an address at NSW Parliament shortly after I took on the role,¹ I emphasised that modern slavery is all about denying people their full personhood – their agency and self-determination. Our responses must be focused on people, on restoring their agency and self-determination *through* our work.

As I commenced consultations to develop our Strategic Plan 2023-2026 – *Working Together for Real Freedom* – we positioned people with lived experience of modern slavery at the centre of our work, including by employing a person with lived experience in the Office, as a core member of our team, to advise me on effective engagement with survivors of modern slavery.

Evidence should drive our public policy responses

Lived experience is one critical source of expertise and evidence that can help us build strong foundations for effective future action. Robust evidence is critical to designing effective public policy responses.

For instance, international research has found that up to 87 per cent of sex trafficking victims will present to a healthcare worker during their period of exploitation, yet are rarely identified as experiencing modern slavery.² This evidence was reflected in what we heard during our consultations towards the Strategic Plan. In response, we are now assembling a coalition of actors from across the health sector to tackle this issue together.

Effective public policy responses also require a solid understanding of the beneficiary population. Yet only one in five cases of modern slavery is currently reported in Australia,³ and many people who are living in modern slavery are often unaware that this is what they are experiencing. I have therefore initiated a project to consider how we can better estimate and map the population of people in NSW who are at risk of, and victimised by modern slavery. This data will be critical to ensuring we are designing services that meet the needs of those who suffer modern slavery in our state. For example, it will inform the work we are now taking forward to develop a hotline arrangement, as required under the Act.

Assisting survivors

Already, however, without a formal hotline in place, steadily increasing numbers of people are coming forward to seek my assistance and referral to support, in line with my statutory obligations. While my Office's capabilities in this regard are still developing – since we have only had dedicated staff since January 2023 – we are already learning significantly from these engagements. In just the last two months of work covered by this Annual Report, for example, we identified more than 50 people at risk of modern slavery, and drawing on this information, began engaging with several regulatory bodies and corporate entities to tackle these risks. At the time of writing (September 2023), we have now identified well over a hundred individuals at risk of modern slavery and taken action to address their needs.

Public procurement

A significant part of our work in the past year has focused on assisting public buyers in NSW. In FY 2023, the NSW Government spent nearly \$42 billion on goods, services and infrastructure.⁴ Since 1 July 2022, more than 400 of these entities have had legal obligations to take reasonable steps to ensure they do not buy goods and services made with modern slavery. In this report, I detail how my Office is supporting these entities to meet these obligations. This will remain a significant focus of our work in the years ahead. At the time of writing, we anticipate soon publishing new [Guidance on Reasonable Steps](#) that will help these buyers to ensure they are not purchasing products of modern slavery, as well as a suite of materials and tools to further support them in these efforts.

A community of purpose

Ultimately, the role of the NSW Anti-slavery Commissioner is a catalytic one. It is not my role to *deliver* better outcomes for people but to foster collective action –by government, civil society, business, unions, researchers, and indeed people with lived experience –so that together, these stakeholders sustainably deliver those better outcomes, preventing modern slavery and effectively addressing it where it does occur.

To make that happen, we need to foster a community of purpose here in NSW. The first year of my tenure has been dedicated to laying down foundations on which that kind of growth might emerge.

During the next year, we will nourish that growth through a series of specific projects and by convening stakeholders to foster collaboration.

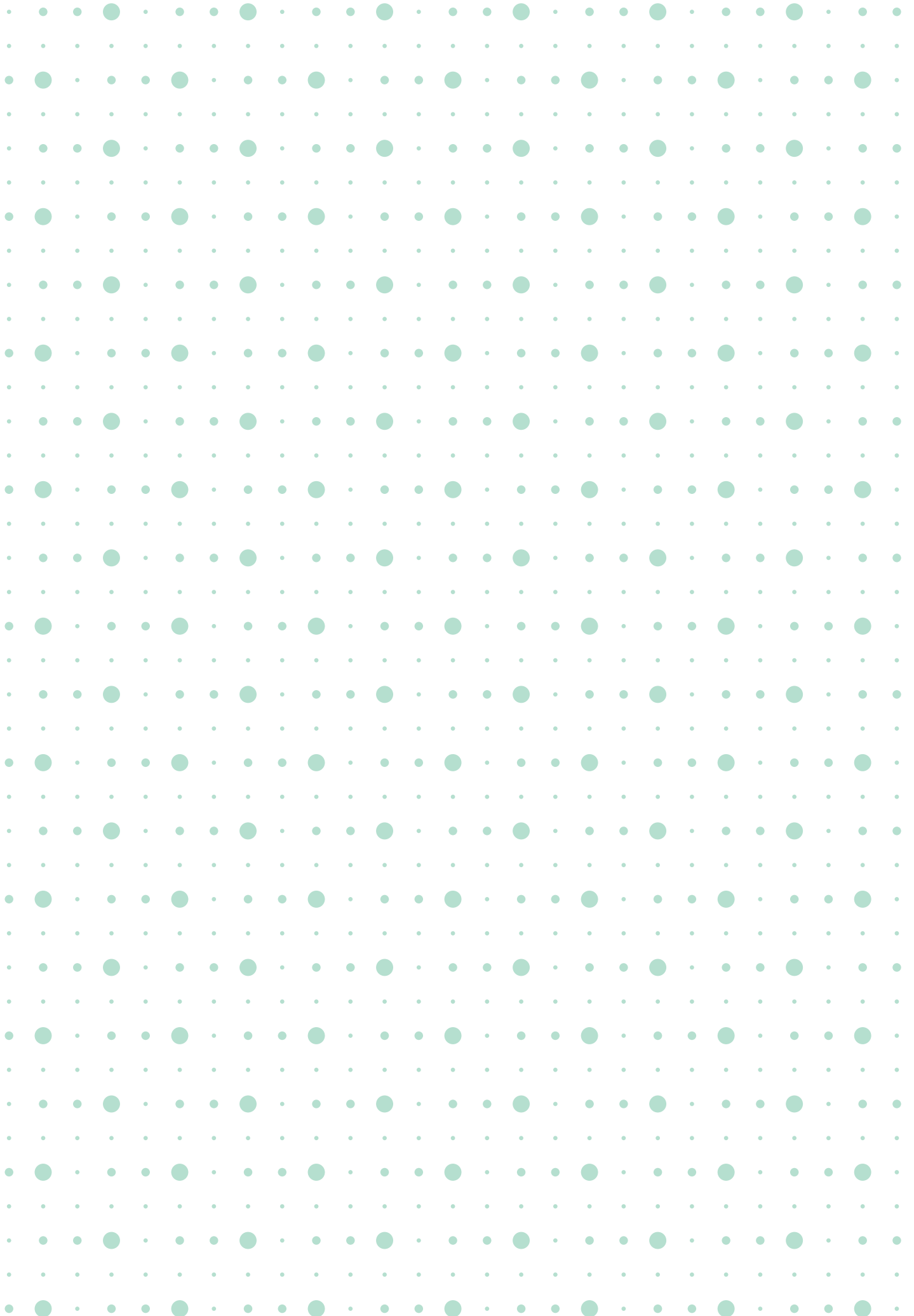
My new Advisory Panel, which includes 29 people from across the NSW community, over 20 per cent of whom have declared lived experience of modern slavery, will be critical to helping us find pathways for rapid growth and community mobilisation.

And the new NSW Anti-slavery Forum, a first of its kind, two day get-together held twice each year for all those interested to take action against modern slavery in NSW, will kick off during this financial year.

Finally, looking ahead, we see a powerful role for NSW government agencies to play in preventing and addressing modern slavery, not only through their procurement practices, but also through service provision. This is particularly the case in relation to housing, healthcare, and justice.

I look forward to working closely in the year ahead with relevant partners inside and outside government, and notably the NSW Parliament Modern Slavery Committee, to foster growth in our anti-slavery efforts, building on the foundations laid over the first 11 months in this role.

Dr James Cockayne
NSW Anti-slavery Commissioner



Modern slavery in New South Wales

Modern slavery occurs when one person treats another as if they owned them – restricting their freedom.

Modern slavery includes various forms of exploitation. These are defined in the *Modern Slavery Act 2018* (NSW) ('the Act'), which also references the *Criminal Code Act 1995* (Cth) and the *Crimes Act 1900* (NSW). These include slavery, servitude, sexual servitude, forced labour, forced marriage, debt bondage, trafficking in persons, deceptive recruiting for labour or services, organ and tissue trafficking, and certain forms of child abuse.

The High Court of Australia has ruled that the use of the 'powers of ownership' is central to the prohibition of slavery in Australian law.⁵ When a person is subject to modern slavery, their freedoms are restricted, and their dignity and agency are undermined. This can be a result of various forms of coercion, fraud and violence, such as grooming, deception, threats, coercive control, restriction of movement, fraudulent debt, wage theft or violence.

Around 40 per cent of people in modern slavery in Australia are estimated to be in NSW.

Globally, there are close to 50 million people in modern slavery.⁶ By the best available estimates, around 1,500⁷ to 41,000⁸ of these people are in Australia – and available data on reporting and service provision suggests 600 to 16,400 of these are in NSW.

While anybody can become a victim of modern slavery, some individuals are rendered more vulnerable in certain contexts, due to their age, their migration status, gender or sexual identity, language skills, disability, poverty, homelessness or other factors. So modern slavery may coincide with other forms of exploitation and abuse – domestic and family violence, child abuse, gender-based violence, online abuse, and workplace offences.

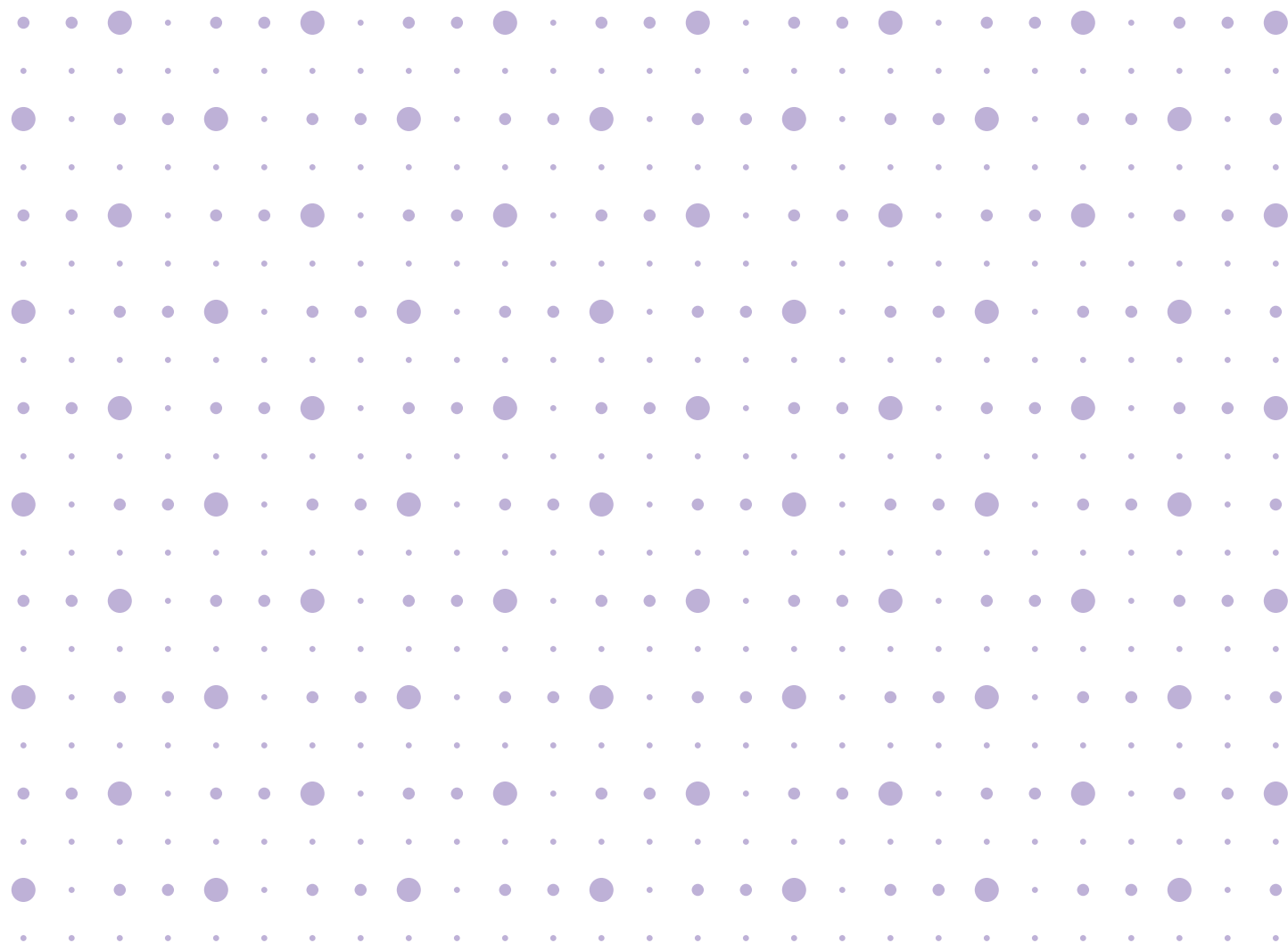
Women and girls account for more than 80 per cent of people who access the national Support for Trafficked People Program.⁹ In one report, more than a quarter of responding migrant workers in Australia indicated they were offered or paid a lower wage than other employees because of their nationality, and 35 per cent of respondents indicated that they were paid or offered a lower salary because of their visa type.¹⁰

We heard of modern slavery risks across the state – in cities and in the country, online and offline, and in supply chains stretching well beyond NSW.

During FY 2023, the Office of the NSW Anti-slavery Commissioner received information pointing to indicators of forced labour of workers on NSW farms and debt bondage of cleaners and security guards in city office blocks. We heard of international students exploited in NSW in retail, hospitality, and sex work. We heard of women and girls trafficked out of NSW to a foreign country for a marriage to which they did not consent. Forced marriage is the form of modern slavery that is currently most often reported to the Australian Federal Police.¹¹

We heard that offenders in NSW use social media platforms to solicit and groom children in foreign countries into sexual exploitation. And we heard about refugees and new migrants who are living today with the experience of modern slavery in the past, for example, as child soldiers, victims of trafficking, sexual slavery and other forms of sexual violence used as tactics of war.

We heard about modern slavery risks linked to NSW business and government supply chains. These include the use of forced labour to produce goods used in NSW, from apparel and electronics to solar panels and organ tissue. Modern slavery risks can also be relevant to the work of organisations commissioned by the NSW government to provide social and other services since they may deal with people at risk or who have lived experience of modern slavery.



Modern slavery results from the failure of our systems to identify vulnerability and to prevent and remedy exploitation.

Modern slavery happens when our legal, financial, procurement, healthcare, immigration, child protection and other systems fail to identify vulnerability to exploitation and fail to prevent and address it.

Convictions for modern slavery offences are very difficult to secure. Nationally, there have been just 31 convictions for these offences, though there were, for example, 1,123 reports of modern slavery to the Australian Federal Police in the four years from FY2017/18 to FY2021/2022.¹²

In our consultations, we heard that people with lived experience do not always have adequate choice and control over the services they need – accommodation, primary healthcare, employment, education, and justice. We heard that they often face lengthy delays and sometimes even face discrimination and stereotyping.

Accommodation providers and case workers report a shortage of crisis and long-term housing options in NSW able to cater to the needs of people with lived experience of modern slavery.¹³

Modern slavery imposes significant economic and social costs on NSW.

All of this imposes real costs and limits the contribution that people with lived experience can make to society and the community. Modern slavery in NSW likely costs us at least \$956 million – and perhaps as much as \$9.6 billion.¹⁴

People with lived experience of modern slavery suffer serious and enduring impacts on their mental, physical, social, emotional, and economic wellbeing. Modern slavery takes a toll on education and career development, earning capacity, and a survivor's family and community. The effects of trauma can impact down through subsequent generations.

The impacts of modern slavery also ripple out through society and the economy. Modern slavery reduces productivity and innovation, increases inequality and poverty, and breeds corruption.¹⁵

There is important momentum in NSW to tackle modern slavery.

The *Modern Slavery Act 2018* (NSW) offers NSW an opportunity to make real inroads against modern slavery. It places our state as a leader on public procurement, survivor engagement and public policy reforms. NSW is also home to world leading academic experts and modern slavery risk management start-ups.

As the first Australian state or territory to enact modern slavery legislation, and the largest subnational economy in the southern hemisphere, the changes we make in NSW may have a significant impact across the region. Our consultations demonstrated a significant appetite for meaningful action on modern slavery – from those with lived experience, business and union leaders, investors and procurement officers, government and civil society service providers, law enforcement, research, and community organisations.

Modern slavery offences in NSW

Modern slavery includes various forms of exploitation. The Act defines a modern slavery offence as:

- a. an offence described in Schedule 2,
- b. an offence of attempting, or of incitement, to commit an offence described in Schedule 2,
- c. conduct engaged in elsewhere than in New South Wales that, if it occurred in New South Wales, would constitute a modern slavery offence under paragraph (a) or (b).

The offences in Schedule 2 of the Act include offences under the *Crimes Act 1900* (NSW), the *Human Tissue Act 1983* (NSW) and the Commonwealth Criminal Code:

These broadly include the following offences:

- slavery
- servitude
- sexual servitude
- forced labour
- forced marriage
- certain forms of child abuse
- debt bondage
- trafficking in persons
- deceptive recruiting for labour or services
- organ and tissue trafficking

About the Office of the Anti-slavery Commissioner

Values

The core values that underpin the work of the Office of the NSW Anti-slavery Commissioner are:

- Respect for people
- Collaboration and partnership
- Innovating based on evidence
- Transparency, honesty and integrity
- Independence

Mandate

The mandate of the NSW Anti-Slavery Commissioner is established by the *Modern Slavery Act 2018* (NSW) ('the Act'). The Commissioner's functions are set out in section 9 and include:

- a. to advocate for and promote action to combat modern slavery,
- b. to identify and provide assistance and support for victims of modern slavery,
- c. to make recommendations and provide information, advice, education and training about action to prevent, detect, investigate and prosecute offences involving modern slavery,
- d. to co-operate with or work jointly with persons and organisations to combat modern slavery and provide assistance and support to victims of modern slavery,
- e. to monitor reporting concerning risks of modern slavery occurring in supply chains of government agencies,
- f. to monitor the effectiveness of legislation and governmental policies and action in combating modern slavery,
- g. to raise community awareness of modern slavery,
- h. to exercise other key functions conferred or imposed by the Act.

The Commissioner also has public awareness and advice functions generally and in relation to supply chains, set out in sections 12 and 28 of the Act, respectively.

In addition to the above functions, the mandate of the Commissioner under the Act includes:

- preparing a strategic plan that sets out how the Commissioner proposes to exercise the Commissioner's function (section 11),
- referral of matters to police and other agencies in the State and elsewhere (section 13),
- cooperation between the Commissioner and NSW agencies, other persons and organisations (sections 14-15),
- consulting with the Auditor-General and the NSW Procurement Board to monitor the effectiveness of due diligence procedures by government agencies (section 25),
- keeping of a public register (section 26),
- developing and making publicly available codes of practice for the purpose of providing guidance in identifying modern slavery taking place within the supply chains of organisations (section 27),
- raising issues with certain agencies about their operations (section 31) and
- receiving reporting from over 400 public entities on their reasonable steps to ensure they do not purchase products of modern slavery (section 31).

Office of the NSW Anti-slavery Commissioner

The NSW Anti-slavery Commissioner is an independent statutory office, appointed by the Governor on the recommendation of the Executive Council, and reporting to NSW Parliament.

The Commissioner's work is supported by the NSW Department of Communities and Justice. From August 2022 until January 2023, the Commissioner was supported by existing personnel from within the Department on a temporary basis. From January 2023, a team of nine personnel was hired (over a staggered period) into a small Office of the Anti-slavery Commissioner, established within the Office of the Secretary.

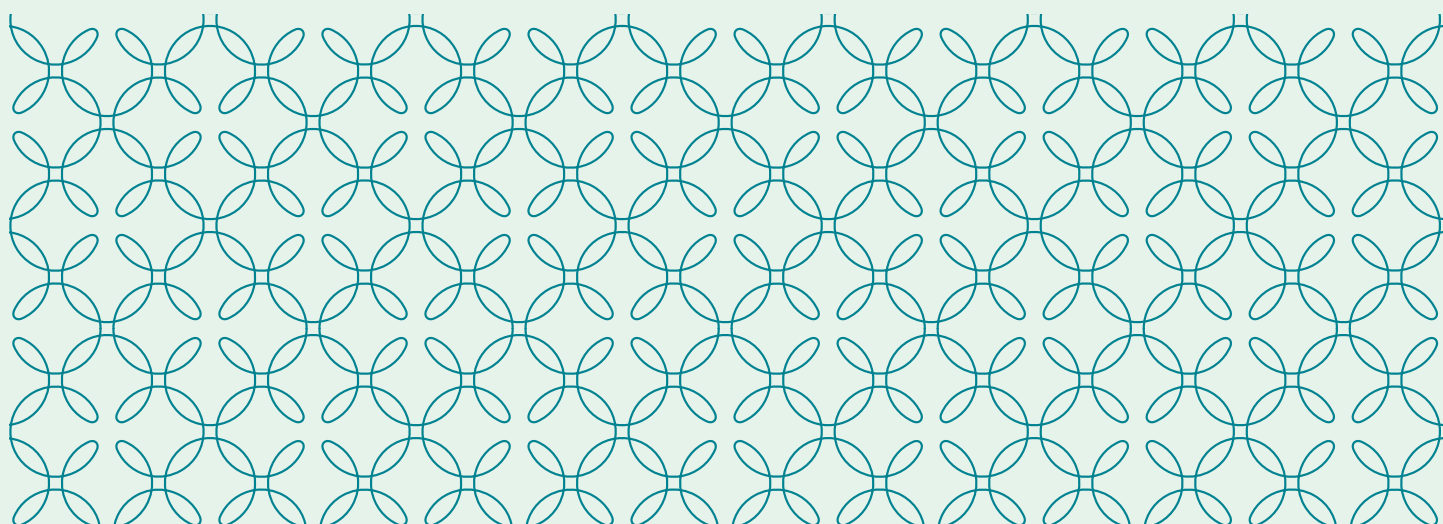
As a new body, a significant focus of the work for FY 2023 was the Office's establishment. This included establishing the processes, systems, and policies of the Office, including information management systems, financial management systems, project management systems, recruiting and inducting new staff, establishing relationships with key stakeholders, and developing appropriate channels to assist and refer people who contact the Office for support.

The Office now comprises three teams.

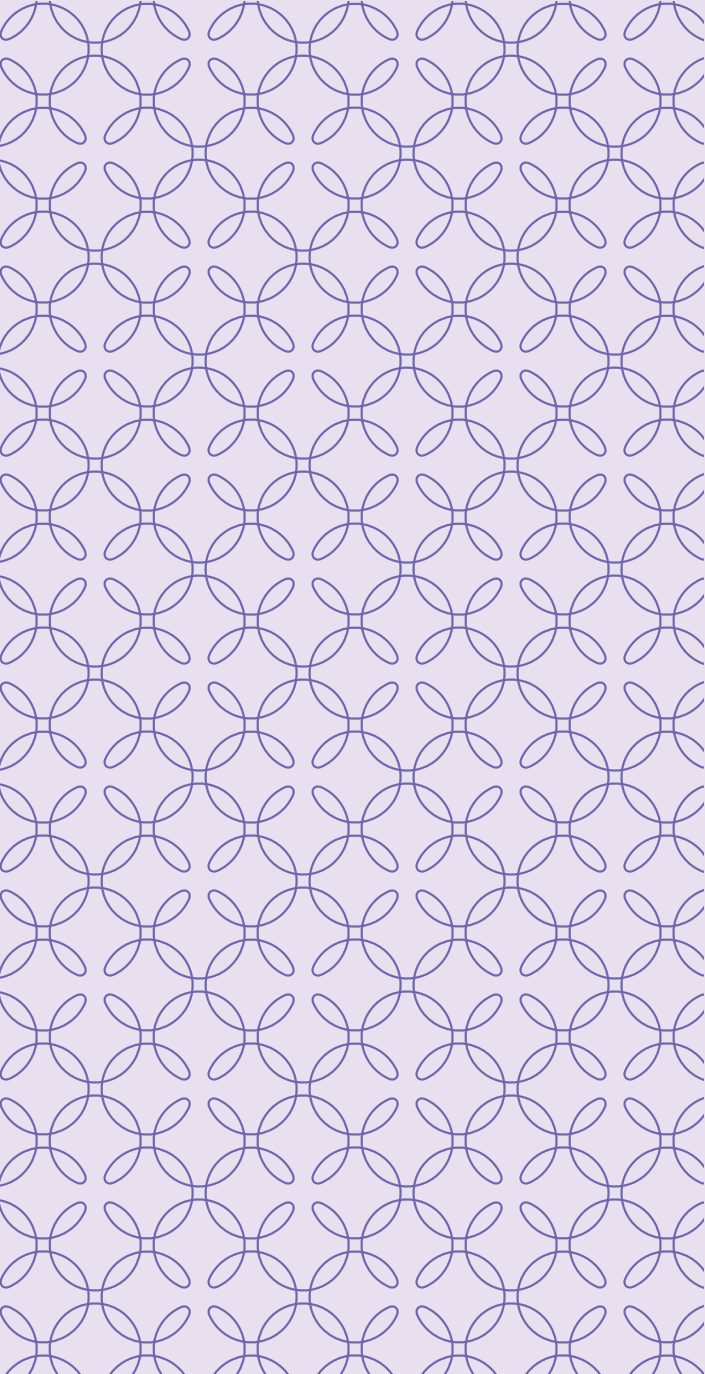
The Executive Team supports the Office's effective functioning and includes a Support Enquiries Team that handles approaches by victims of modern slavery for support and assistance. The Support Enquiries Team, and the Commissioner, are subject to mandatory clinical supervision.

The Policy and Projects Team assists the Commissioner in executing his policy-related functions, including monitoring the effectiveness of government laws and actions. This team also oversees the numerous projects now underway, notably including working with over 400 reporting entities on managing modern slavery risks in NSW public supply chains. This team also provides research support to the Commissioner across his functions.

The Communications and Engagement Team supports the Commissioner's general awareness raising functions and effective communication and engagement by the Office as a whole. It includes a Lived Experience Practice Lead, who draws on her own experience of modern slavery and advocacy to address it to ensure all the Office's work is grounded in best practice and lived experience expertise.



Working Together for Real Freedom: NSW Anti-slavery Commissioner's Strategic Plan 2023-2026



On 22 June 2023, the Anti-slavery Commissioner released the first ever plan to address modern slavery in NSW. Required by section 11(2) of the Act, *Working Together for Real Freedom*, sets out the Commissioner's roadmap for anti-slavery action in NSW for the coming three years.



Dr James Cockayne (Anti-slavery Commissioner) and Sophie Otiende (CEO, Global Fund to End Modern Slavery) release the Commissioner's Strategic Plan 2023-2026 on 22 June 2023 in Sydney.

Developed between September 2022 and May 2023, the Strategic Plan was the culmination of extensive listening, consultation, collaboration, and partnership, and provides a holistic approach to addressing modern slavery through education, prevention, and practical action.

The Act requires the delivery of the strategic plan “as soon as reasonably practicable” after the appointment of the Commissioner. Lacking dedicated staff when he commenced on 1 August 2022, the Commissioner conducted a procurement process that led to a research and workshop convening partnership with the James Martin Institute for Public Policy, an independent, non-partisan policy organisation informed by international research, with close links to several NSW universities, to backstop the development of the Strategic Plan.

Commencing with an online forum open to the public, the resulting consultation process involved:

- Engagement with 65 experts from sectors including international human rights law, supply chains, service provision, criminal justice and the not-for-profit sector;
- More than 100 online submissions in response to the Strategic Plan Discussion Paper and from members of the public through an online survey on the NSW Government’s *Have Your Say* community consultation platform;
- Outreach to more than 2,500 members of the NSW public, including direct engagement with people with lived experience of modern slavery, whistle-blowers, domestic and international thematic experts, service delivery organisations, political leaders, business leaders, and unions and other worker representatives; and
- Consultation with the NSW Attorney General, as required by the Act.

The result is the Anti-slavery Commissioner’s Strategic Plan 2023-2026: *Working Together for Real Freedom*. It aligns with the Australian National Plan to Combat Modern Slavery 2020-2025, and with Australia’s existing international commitments, for example, the UN Guiding Principles on Business and Human Rights, the OECD Guidelines for Multinational Enterprises, and relevant human rights and international labour standards.

The launch of *Working Together for Real Freedom* in the Strangers Room at NSW Parliament House on 22 June 2023 was a significant occasion. The Commissioner was joined by more than 200 people, many of whom had directly inputted into the Plan’s development, to celebrate this momentum. The Plan was launched in the presence of the NSW Attorney General, The Hon. Michael Daley MP, with a powerful keynote address from Sophie Otiende, survivor-advocate and CEO of the Global Fund to End Modern Slavery.

Read [Working Together for Real Freedom](#)



The Hon. Michael Daley (NSW Attorney General) delivers the opening remarks at the release of the Anti-slavery Commissioner’s Strategic Plan 2023-2026 on 22 June 2023 at NSW Parliament.

Working Together for Real Freedom

A note on this Annual Report's structure

The Act requires the Commissioner's annual report to include a description of the Commissioner's activities during the year in relation to each of the Commissioner's functions, and a review of progress on implementation of the strategic plan relevant to the period to which the report relates (section 19(1) and (2)).

There was no strategic plan in place for FY 2023, the period covered in this Annual Report.

The strategic plan published in June 2023 sets out how the Commissioner proposes to exercise the Commissioner's functions and key objectives and priorities for 2023-2026. The first annual report that is specifically mandated to report against this plan will be the next one, for FY 2024.

However, to provide consistency and underscore the need for steady, consistent action to build on the foundations established over this first year, this annual report uses *Working Together for Real Freedom* as a source of inspiration for reporting the Commissioner's activities during FY 2023.

The report is organised into sections that correspond to the priorities set out in *Working Together for Real Freedom*. Each section begins with a table identifying which of the Commissioner's functions under the Act underpin the reported activities.

Plan on a Page

This page summarises the Anti-slavery Commissioner’s Strategic Plan 2023-2026, *Working Together for Real Freedom*.

Vision: A New South Wales that fully realises the human right to live free from slavery.

Our priorities

Build prevention capacity	Enable remedy	Foster responsible business practices	Change the narrative	Develop a community of purpose
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Our objectives

To ensure NSW government and non-government systems can identify vulnerability to modern slavery and prevent victimisation.	To improve access for people with lived experience to effective remedy – including essential services, justice, self-determination and empowerment.	To show leadership in identifying and addressing modern slavery in supply chains and investment portfolios.	To make the case for anti-slavery in a convincing and empowering way.	To lay the foundations for sustainable and inclusive implementation of the Modern Slavery Act 2018 (NSW).
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Our actions

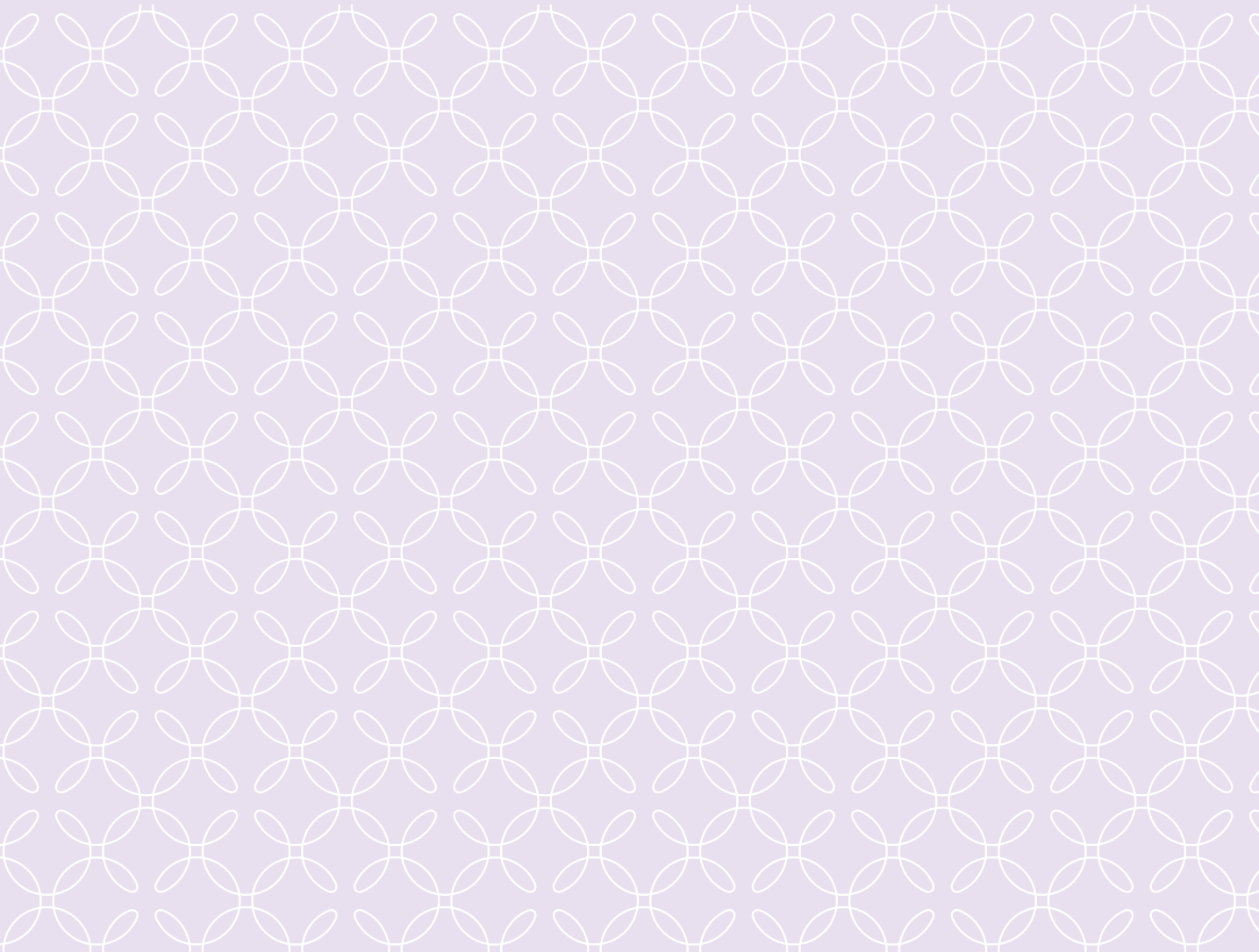
Equip frontline workers. Establish an effective support and referral hotline.	Strengthen access to effective remedy. Foster survivor leadership.	Remove products of modern slavery from public procurement. Foster responsible business practices in the private sector.	Raise awareness across NSW in a way that empowers survivors. Build the business and policy cases for anti-slavery.	Organise an inclusive community of purpose. Ensure the sustainability of efforts under the Act.
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Our core values

Respect for people • Collaboration and partnership • Innovating based on evidence
Transparency, honesty and integrity • Independence

Build prevention capacity

Commissioner’s statutory functions and responsibilities	Section under the Act
Make recommendations and provide information, advice, education and training about action to prevent, detect, investigate and prosecute offences involving modern slavery	9(1)(c)
Provide advice, education and training on ways to prevent modern slavery taking place and assist the victims of modern slavery	12(1)(b)



Preventing modern slavery requires strengthening the capability of both government and non-government actors to identify vulnerability and prevent victimisation.

Since starting in the role, the Commissioner has undertaken scoping work to understand the needs of frontline workers in relation to their role in prevention. The Commissioner has heard clear calls for strengthening modern slavery prevention capabilities across sectors and functions, from healthcare to procurement.

Frontline workers in criminal justice, healthcare, homelessness, disability, women's safety and family violence, child protection and other service sectors have met or engaged with the Commissioner, telling him that they want more resources and training to improve their ability to recognise and assess vulnerability to modern slavery and prevent victimisation.

The Commissioner's engagements in this area during the reporting period included:

- Regular meetings with the NSW Police Force;
- A visit to the Australian Federal Police led Australian Centre to Counter Child Exploitation;
- Meeting with frontline settlement service providers in Armidale and Coffs Harbour;
- Presentations to non-government organisations, including at the Modern Slavery Working Group convened by The Benevolent Society and an event hosted by the Paul Ramsay Foundation; and
- Meetings with Domestic Violence NSW and Multicultural NSW.

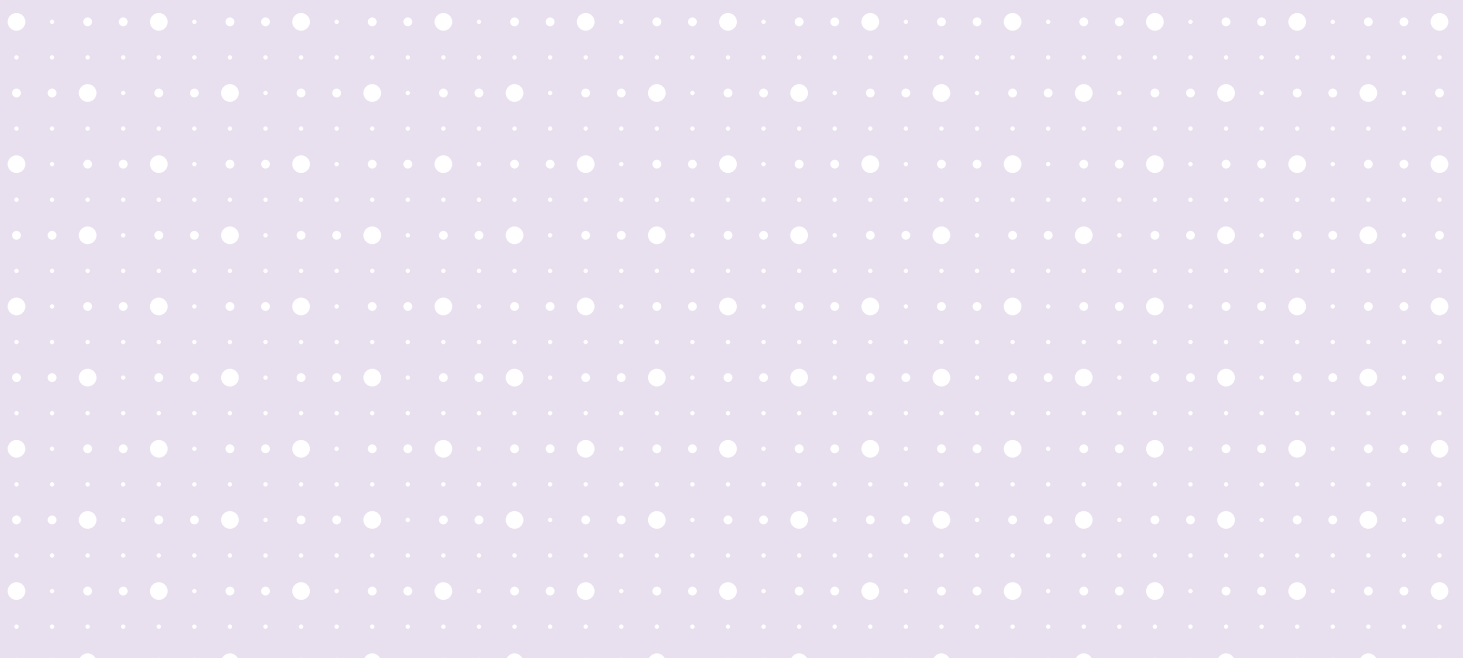
From these engagements, the increased role that NSW government agencies can play in preventing and disrupting modern slavery has become increasingly apparent. There are important opportunities for the Commissioner to foster efforts by these agencies to work together towards this goal.

In December 2022, the Commissioner led an informal workshop with a dozen healthcare sector clinicians, researchers, and advocates, to discuss possible avenues for education and training, screening and diagnostic, clinical, referral, and public health responses to preventing and remedying modern slavery, as well as addressing modern slavery risks in health supply chains.

Building on the foundations laid with the healthcare sector in FY 2023, the Commissioner will develop a new project called 'It's Healthy to Fight Modern Slavery' in FY 2024. The intended outcome of the project is that healthcare providers in NSW are better able to identify and assist those at risk of modern slavery. The project aims to achieve this objective by convening a coalition to mobilise, equip and train a community of purpose amongst healthcare providers in NSW. The Office will convene and support this coalition, ensuring access to good international practice, helping connect stakeholders across the anti-slavery and healthcare systems, and fostering mutual learning and collaboration.

Enable remedy

Commissioner's statutory functions and responsibilities	Section under the Act
Advocate for and promote action to combat modern slavery	9(1)(a)
Identify and provide assistance and support for victims of modern slavery	9(1)(b)
Make recommendations and provide information, advice, education and training about action to prevent, detect, investigate and prosecute offences involving modern slavery	9(1)(c)
Co-operate with or work jointly with persons and organisations to combat modern slavery and provide assistance and support to victims of modern slavery	9(1)(d)
Monitor the effectiveness of legislation and governmental policies and action in combating modern slavery	9(1)(f)
Promote public awareness of modern slavery and its effects on its victims	12(1)(a)
Provide advice, education and training on ways to prevent modern slavery taking place and assist the victims of modern slavery	12(1)(b)
Encourage reporting of instances of suspected modern slavery to appropriate authorities (including without limitation reporting by sex workers and bodies or organisations representing sex workers)	12(1)(c)
Establish and maintain a hotline (or utilise a hotline maintained by another person or body) for provision of advice and assistance to children and other persons who are, or may be, victims of modern slavery	12(1)(d)



Providing and enabling remedy to victims of modern slavery requires improved access for people with lived experience to essential services, justice, self-determination, and empowerment.

During the reporting period, the Commissioner heard from stakeholders that people in NSW with lived experience of modern slavery often feel trapped by the legacies of that experience, unable to really enjoy their freedom. Many survivors find it challenging to access effective remedy, including essential services such as housing, primary and mental health care, and the legal and financial advice they need to recover.

It is notable that in Australia, these types of services are typically an important focus of government activity at the state and territory levels. Yet, perhaps because Australia's anti-slavery responses have historically been driven primarily by federal government action (in close cooperation with several civil society organisations), state and territory service providers have been somewhat 'missing' from anti-slavery efforts. State and territory agencies are not, for example, routinely included in the processes or meetings of the National Roundtable on Human Trafficking and Slavery.

The Commissioner also heard during the reporting period that people with lived experience typically have a very limited role in designing and delivering anti-slavery efforts in NSW. Throughout FY 2023, the Commissioner and his team have explored avenues for improving access to remedy and putting survivors at the heart of policy and program design and delivery.

The team heard that many survivors are victimised due to homelessness or housing insecurity or are trapped in exploitation because they struggle to access safe, secure, culturally appropriate, and affordable housing options.

With the visiting United Nations Special Rapporteur on Contemporary Forms of Slavery, Professor Tomoya Obokata, the Commissioner convened a roundtable on 8 May 2023, exploring the intersections between homelessness, housing insecurity and modern slavery. The roundtable, held at the Paul Ramsay Foundation premises in Sydney, involved 44 participants from the public and private sectors, notably including non-government agencies providing housing services to people with lived experience of modern slavery. Following the roundtable, the Commissioner also held an online briefing with UK non-government organisation Hope at Home on 15 June 2023, addressing homestays for modern slavery survivors.

On 1 June 2023, the Commissioner wrote to the co-chairs of the Government Taskforce looking to expand access for victims of domestic and family violence to the Shared Equity Homebuyer Helper Program, encouraging the Taskforce to factor into their work the specific



Professor Tomoya Obokata (United Nations Special Rapporteur on Contemporary Forms of Slavery) with participants from a roundtable discussion on the intersections between homelessness, housing insecurity, and modern slavery. The event was convened by the Office of the Anti-slavery Commissioner on 8 May 2023 at the Paul Ramsay Foundation premises in Sydney.

vulnerabilities of victims of domestic and family violence who are also victims of modern slavery, and making specific recommendations on how to do so.

Throughout the course of the year, the Commissioner also received enquiries from people with lived experience of modern slavery, their friends, and advocates, as well as from whistle-blowers seeking assistance and support.

The Office has been developing its capabilities, systems, and protocols for handling such incoming support enquiries in a timely, trauma-informed, and effective manner. Insights gained through this process will inform the scoping for a hotline arrangement commencing in FY 2024.

Support enquiries were received from individuals seeking support and assistance within NSW, interstate and internationally. All enquiries receive a response that includes information about and contact information for local services they can contact in their jurisdiction. In some cases, the Office provides so-called 'warm referrals'. For some complex and multi-layered enquiries, the Office provides a more detailed approach, including formal requests for information from and liaison with other government and non-government agencies, drawing on the Commissioner's powers to seek information and assistance. The majority of enquiries the Office received during the reporting period related to people at risk of, or victimised by, trafficking of persons, sexual servitude, deceptive recruiting, and forced labour.

The Commissioner also began initial scoping work during the reporting period on the establishment of a support and referral hotline, as required by the Act. This work will be significantly expanded during FY 2024.

FOCUS: Survivor engagement and leadership

In recent years, lived experience engagement has catalysed a transformative shift in the gender-based violence and domestic and family violence sectors. Centring the voices and perspectives of victim-survivors has created more effective policies, programs, and integrated access to support services.

A similar shift is underway in the global anti-slavery movement. As the CEO of the Global Fund to End Modern Slavery, Sophie Otiende, explained during a visit to Sydney in June 2023:

“The importance of survivors leading this movement cannot be underestimated. My hope is that we come to the consensus that the anti-slavery movement, in general, is better off if we all centre the voices of people with lived experience and impacted communities in our work.”

Feelings of loss of agency and control over one’s life and body are often central to experiences of modern slavery.

Perpetrators of modern slavery offences often use coercion, manipulation and deception to exercise control and power over a victim’s life in a way that creates situations of dependence or even a sense of ownership.

“[my perpetrators] made me believe I was not strong enough, not smart enough, too broken...breaking those chains is breaking the lies I believed, to know that I am capable. Learning that I can be independent and strong and don’t need someone else to survive is the best way to prove [them] wrong.”

– survivor

The Office of the Anti-slavery Commissioner seeks to help survivors regain control and agency, including through the way the team conducts its own work and their experience of engagement with the Office.

“When I shared my experience [with the Commissioner], it changed my life. I will never be the same person because I was able to say what happened to me, and someone important was listening.”

– survivor of trafficking and forced marriage



Sophie Otiende (CEO, Global Fund to End Modern Slavery) delivers the keynote address at the release of the Anti-slavery Commissioner’s Strategic Plan 2023-2026 on 22 June 2023 at NSW Parliament.

The Commissioner's engagements during the reporting period with people in NSW with lived experience of modern slavery have made clear that survivors are seeking opportunities to play a larger role in designing and delivering anti-slavery responses.

“We haven't just read about it, studied it, or heard about it. I know exactly what it felt like, exactly where I was standing, when I realised I was owned by someone... I know what it is to see my fellow survivors suffer abuse at the hands of [our perpetrator] and to be powerless to protect them. No one fights harder, with as much insight or as much passion as someone who has lived these things.” –survivor

Drawing on this input from people with lived experience, in early 2023, the Commissioner employed a person with lived experience as his lived experience adviser –as a part-time member of the Office. This role has subsequently evolved and grown into a full-time role as a Lived Experience Practice Lead, shaping the Office's approach and efforts to work effectively in partnership with people in NSW with lived experience of modern slavery. Integrating a lived experience practice lead in the Commissioner's team has strengthened the capacity of the Office to support the mobilisation of a survivor community and to improve outcomes for people who have experienced modern slavery.

A key component of this work involves developing trauma-informed and shame-sensitive practices to mitigate the risk of re-traumatisation. The Commissioner acknowledges that people with lived experience of modern slavery have survived a complex range of traumas and recognises the ongoing impact of trauma on a survivor's wellbeing and capabilities.

Some of the Commissioner's key engagements during the reporting period, laying the foundations for developing an effective lived experience practice, have included:

- Hosting a visit to Sydney by survivor leader Sophie Otiende, the CEO of the Global Fund to End Modern Slavery. Ms Otiende met with survivors and discussed with them how they could advance survivor leadership in NSW.
- Engagement with First Nations survivors from the Kinchela Aboriginal Boys' Training Home, including through a site visit outside Kempsey.
- Direct engagement with survivors in New England, the Central Coast, Sydney and the Hunter region, and through an online survey conducted through *Have Your Say* in the preparation of the Strategic Plan.
- Hosting an event at the State Library of NSW that included testimony from people with lived experience of state-sponsored forced labour practices in Xinjiang, People's Republic of China.
- Creating a survivor inclusive event for the release of the Strategic Plan 2023-2026 at NSW Parliament.
- Supporting the travel, accommodation, and attendance of survivors at the National Modern Slavery Conference in Melbourne in June 2023.
- A roundtable on housing insecurity and homelessness with United Nations Special Rapporteur on Contemporary Forms of Slavery, Professor Tomoya Obokata, incorporating lived experience perspective.

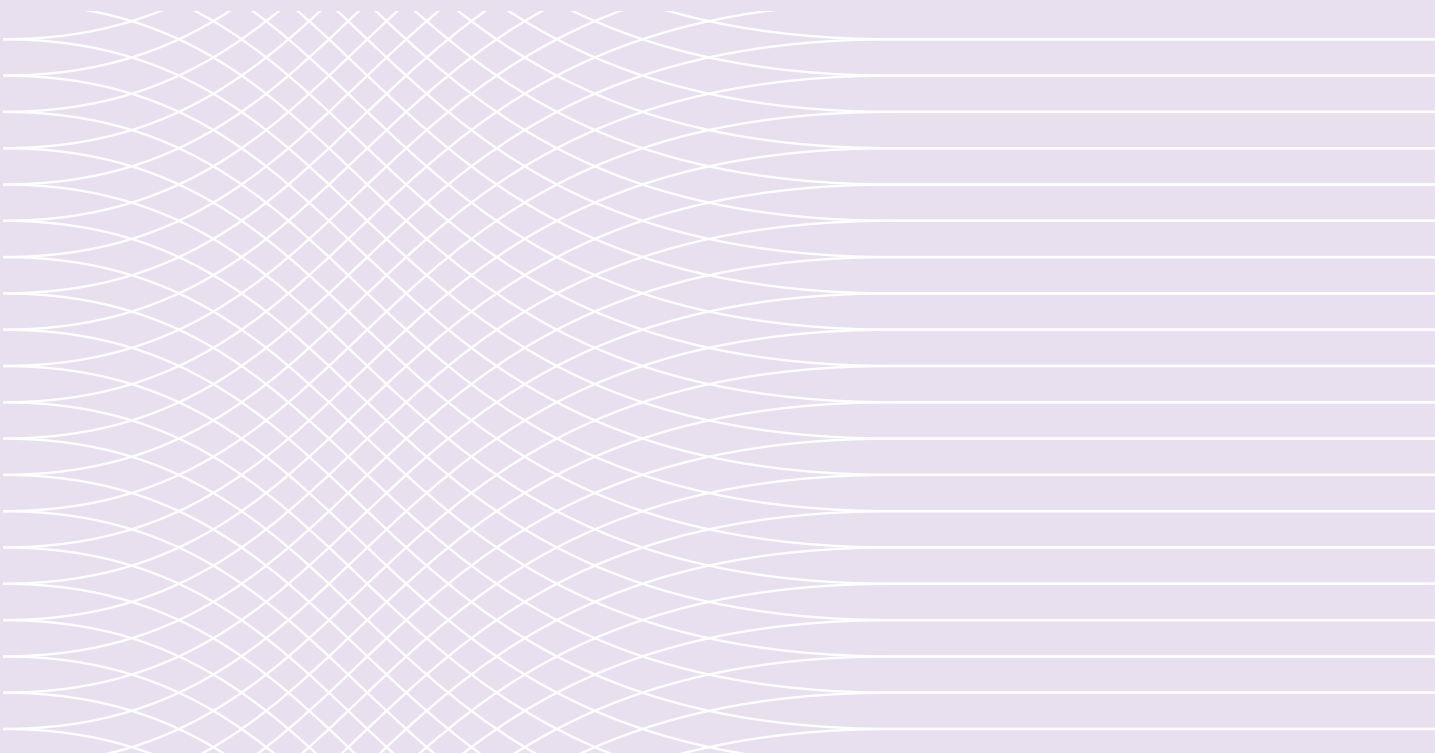


From left: Moe Turaga (survivor-advocate), Dr James Cockayne (Anti-slavery Commissioner), Sophie Otiende (CEO, Global Fund to End Modern Slavery), and Sarah S (Lived Experience Practice Lead, Office of the Anti-slavery Commissioner) in Sydney on 21 June 2023.

Photo courtesy of Moe Turaga.

Foster responsible business practices

Commissioner's statutory functions and responsibilities	Section under the Act
Advocate for and promote action to combat modern slavery	9(1)(a)
Monitor reporting concerning risks of modern slavery occurring in supply chains of government agencies	9(1)(e)
Monitor the effectiveness of legislation and governmental policies and action in combating modern slavery	9(1)(f)
Provide advice, education and training on ways to prevent modern slavery taking place and assist the victims of modern slavery	12(1)(b)
Promote public awareness of and provide advice on steps that can be taken by organisations to remediate or monitor risks of modern slavery taking place in their supply chains, including encouraging organisations to develop their capacity to avoid such risk	28(1)



Fostering responsible business practices requires leadership in identifying and addressing modern slavery in supply chains and investment portfolios.

Over the reporting period, it became apparent that NSW is uniquely positioned to show this leadership for two reasons:

- 1. Commercial edge:** Consultations revealed that institutional investors and technology start-ups based in NSW are at the forefront of efforts to find market-based solutions to modern slavery risks. This has potentially significant commercial development possibilities.
- 2. Government leadership:** The NSW government is at the cutting edge of global efforts to tackle modern slavery risks in supply chains. Since 1 July 2022, more than 400 public buyers, including all NSW Government departments, local councils, and some universities, have had obligations to take reasonable steps to ensure they do not procure products of modern slavery, and/or to report on their efforts to tackle these modern slavery risks.

The Commissioner undertook an extensive program of work to support these efforts, detailed in the ‘Focus’ section on page 30.

In addition, the Commissioner undertook extensive outreach to businesses to foster a broader uptake of responsible business conduct. This included:

- Speaking at the inaugural Fair Farms Conference in Coffs Harbour in October 2022. The conference brought together industry experts, growers, workplace relations specialists, and peak industry bodies to discuss the current state of workplace relations in Australian horticulture. The Commissioner presented to the conference about modern slavery issues in the horticulture sector in NSW.

- Making a detailed submission on the Review of the *Modern Slavery Act 2018* (Cth) conducted by Professor John McMillan AO. Entitled *Reporting for Action* (December 2022),¹⁶ the submission explores how effective administrative supervision helps ensure that company reporting drives action in reducing modern slavery risks to people. The submission also made several other recommendations to strengthen business leadership in identifying and addressing modern slavery in supply chains and investment portfolios.
- With the visiting United Nations Special Rapporteur on Contemporary Forms of Slavery, Professor Tomoya Obokata, the Commissioner co-hosted an event on 8 May 2023 on the topic: *Will stronger due diligence laws address modern slavery?* The event featured a hybrid online panel, short keynote remarks from Professor Obokata, and interventions by speakers from government, civil society, and business. This was followed by a closed roundtable with approximately 40 invited guests working on these issues from across government, civil society, unions, people with lived experience, and business.



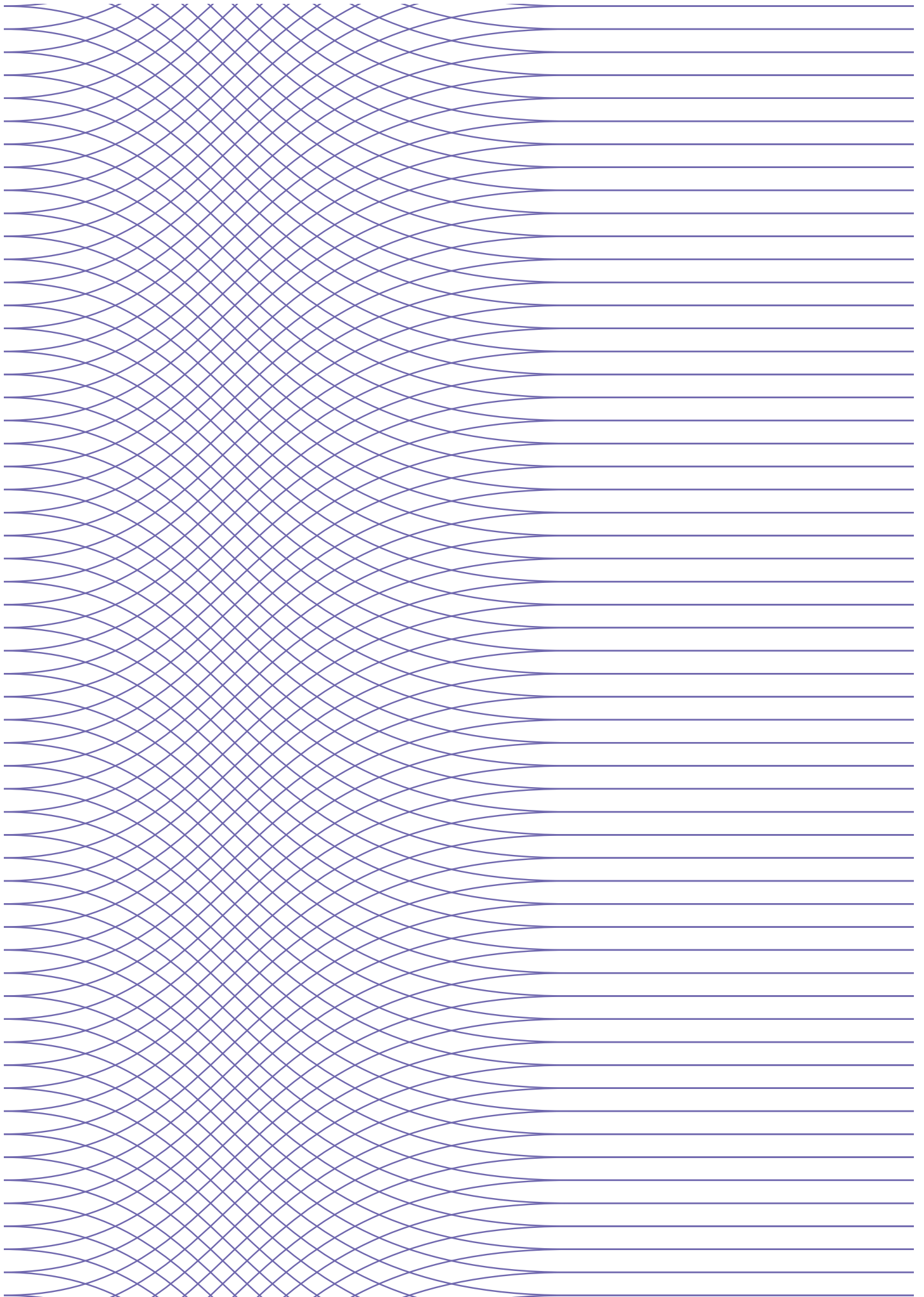
Victoria Gordon (Senior Legal Policy Officer, Office of the Anti-slavery Commissioner) delivers an information session for local government procurement staff from across the region at the Local Government Procurement meeting on 1 June 2023 in Dubbo.



Panelists discuss whether stronger due diligence laws will address modern slavery at an event convened by the Office of the Anti-slavery Commissioner and KPMG Banarra on 8 May 2023 at the KPMG premises in Sydney. From left: Dr Meg Brodie, Professor Tomoya Obokata, Professor John McMillan AO, Poonam Datar, Professor Justine Nolan, Professor Surya Deva, and Dr James Cockayne.

- Delivering speeches, presentations, webinars, and other outreach events to business and private sector entities, including those relating to trade and investment regimes and renewable energy. This included presentations to:

Event	Date
The Australian Dialogue on Business and Human Rights (ADBHR) with the UN Global Compact Network Australia. This event had 100 attendees over a one-and-a-half-day dialogue, with representatives from businesses and investor groups, as well as a number of government agencies, civil society and the not-for-profit sector.	October 2022
Engagements with law firms, for example, presenting at a Norton Rose Fulbright webinar on Public Procurement and Modern Slavery expectations for the NSW Government.	October 2022
Participating in The Pacific Equity Partners/International Justice Mission lunch.	October 2022
Speaking to members of the Property Council of Australia Modern Slavery Working Group.	November 2022
Presenting, remotely, to an international conference on Trade, Investment and Modern Slavery (TRIMs) organised by the University of Nottingham.	November 2022
Presenting at a conference on civil litigation on modern slavery and impacts on business (in London, attended remotely).	December 2022
Presenting to the Energy Procurement Supply Association (EPSA).	February 2023
Presenting to the Infrastructure Sustainability Council Modern Slavery Coalition.	April 2023
Presenting at the Unions NSW Industrial Seminar: the Modern Slavery Act 2018 (NSW).	April 2023
Presenting to the Australian Procurement & Construction Council.	June 2023



FOCUS: Public procurement

NSW is the eighth largest economy in Asia. In FY 2023, the NSW Government spent nearly \$42 billion on goods, services and infrastructure.¹⁷

Since 1 July 2022, more than 400 public buyers in NSW –including all government agencies, local councils, and others –have been obliged to take reasonable steps not to buy products of modern slavery. The Commissioner is given powers to support and monitor these efforts, and to help ensure their effectiveness. The Auditor-General also now has the power to conduct a ‘modern slavery audit’.

This section details the significant work that was undertaken by the Commissioner in FY 2023 to help remove products of modern slavery from NSW public procurement and to foster good practice in preventing, identifying, mitigating, and addressing modern slavery risks in NSW public supply chains.

Discussion paper and initial engagement with public entities

On 1 September 2022, the Commissioner released a Discussion Paper titled *NSW public procurement and modern slavery* and invited responses from stakeholders until 25 November 2022.

The Commissioner received formal feedback from 13 entities in response to that Discussion Paper, which helped inform the development of the Shared Implementation Framework (detailed below). Annex 2 of the Discussion Paper also set out some good practice principles for modern slavery due diligence as a starting point for public entities in assessing modern slavery risk management efforts both in their own due diligence efforts and in evaluating suppliers.

The Commissioner also undertook the following early engagement with public entities to assist them in understanding their legal obligations under the Act:

- A kick-off webinar: ‘Developing a Strategic Plan to combat modern slavery in NSW’ on 24 October 2022.
- ‘Public Procurement and Modern Slavery expectations for New South Wales Government – a conversation with NSW Anti-Slavery Commissioner Dr. James Cockayne’ on 25 October 2022.
- Government buyers’ session on 31 October 2022.

Development of the Shared Implementation Framework for new statutory ‘reasonable steps’, reporting and consultation obligations

The Act and related legislation created new obligations for certain entities to take reasonable steps to ensure that goods and services procured are not products of modern slavery, and to report on those steps. They also created obligations of consultation between the Procurement Board, the NSW Anti-slavery Commissioner and the Auditor-General, and empowered the Commissioner to make recommendations, consider the effectiveness of due diligence, and create a public register identifying certain non-compliant organisations. Additionally, they contemplate the issuing of Directions by the Procurement Board relating to modern slavery risk.

In October 2022, the Procurement Leadership Group endorsed the Commissioner’s proposal to work with affected entities to develop a Shared Implementation Framework to assist affected entities to effectively discharge their new obligations.

Following the Procurement Leadership Group’s endorsement of his proposal, the Commissioner convened a Working Party of 20 affected entities. The Working Party was comprised of 64 different representatives from NSW Government departments and agencies, local councils, and other reporting entities. He also invited participation by the Australasian Procurement and Construction Council and personnel from the Chief Minister, Treasury and Economic Development Directorate of the ACT Government.

The Working Party met eight times between February and June 2023 to discuss the development of formal guidance and supporting materials. The group drew on the Discussion Paper published by the Commissioner in September 2022, and formal feedback from 13 entities in response to that Discussion Paper.

The Working Party does not have formal decision-making power. Instead, it informs the Commissioner as he developed the *NSW Anti-slavery Commissioner’s Guidance on Reasonable Steps in Managing Modern Slavery Risks in Supply Chains* (‘Guidance’). However, the Commissioner made clear his desire to ensure the Guidance is fit for purpose, and to do so through extensive consultation during the design and development phase. His work was also supported by extensive research by his own Office. By ensuring the document is grounded in extensive user feedback, global best practice and evidence, the Commissioner aims to ensure the Guidance is fit for purpose across the diverse contexts in which reporting entities operate.

Discussions in the Working Party established clear principles on which the Guidance and related implementation tools, materials and arrangements are based. These include alignment with Australia's international legal and human rights commitments; creating efficiencies and effectiveness through ensuring consistent and, where possible, coordinated modern slavery risk analysis and management arrangements; and pragmatism in implementation, recognising the varying capabilities of reporting entities and the time it will take to develop effective risk management capabilities.

Shared Implementation Framework

The significant consultation with the working party has informed the development of the Shared Implementation Framework, which will be published by the NSW Anti-slavery Commissioner and updated from time to time, after further consultation with reporting entities. It will include:

- **Guidance**

The centrepiece of the Framework is the *NSW Anti-slavery Commissioner's Guidance on Reasonable Steps in Managing Modern Slavery Risks in Supply Chains*. The first edition is expected to be published in the final quarter of 2023. It provides detailed operational guidance to covered entities on how to take reasonable steps.

- **Model contract clauses**

The Commissioner has developed new model modern slavery contract clauses that implement the 'shared responsibility' contracting model now being used by socially responsible public and private buyers in Europe, the United Kingdom, and North America. The model clauses have been developed with *pro bono* support from Australian law firm Allens and the global Responsible Contracting Project.

- **Model tender clause**

A new model tender clause aligned with the model contract clauses and drawing on overseas best practice, notably in United Kingdom Crown procurement.

- **Inherent Risk Identification Tool**

A simple-to-use risk mapping tool to allow reporting entities to identify the product categories they procure that present the greatest modern slavery risks. This was developed in a joint project with the University of Sydney Business School.

Application of the Shared Implementation Framework

The Commissioner engaged the Crown Solicitor's Office in FY 2023 to provide detailed advice on the entities that have reporting obligations under the relevant legislation. There are more than 400 such entities, including (but not limited to) all NSW Government departments and agencies, Government Sector Finance agencies, certain NSW Health entities, local and regional councils, and certain universities.

Engagement with public entities

In addition to the initial engagement with public entities, the Commissioner and his team also undertook the following engagement and capacity-building efforts with public entities in FY 2023:

- Attendance at Local Government Procurement conferences in Tamworth, Albury and Dubbo to present to Local Councils on their legislative obligations.
- Direct engagement with public entities, such as North Sydney Council via webinars, and providing advice and assistance in response to request queries received from public entities, including numerous NSW Government Departments.
- A presentation at the Australasian Procurement and Construction Council.
- Attendance at the Intergovernmental Network on Modern Slavery in Public Procurement chaired by the Commonwealth Attorney General's Office.

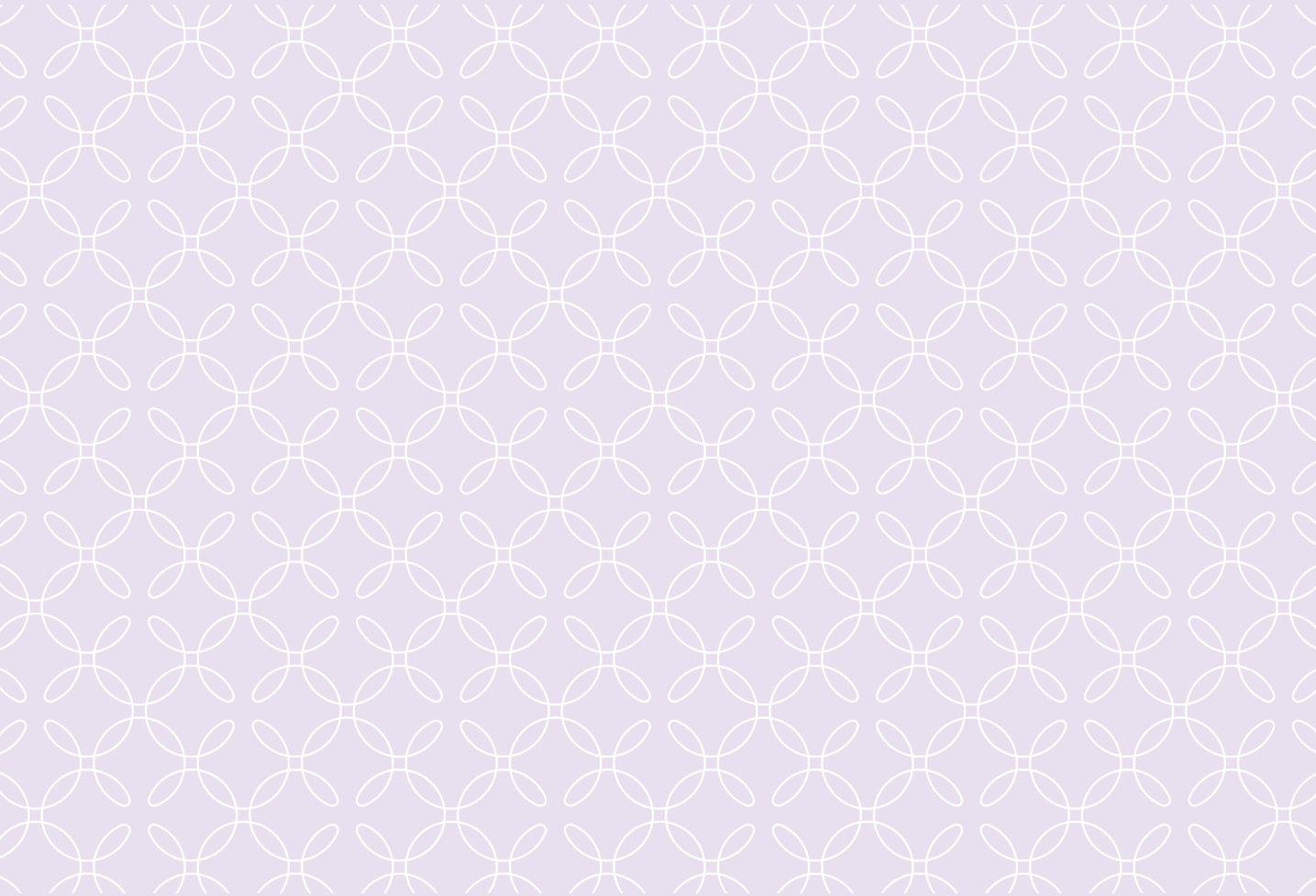
Implementation of the Shared Implementation Framework

During the significant consultation process with affected stakeholders in the reporting period, the Commissioner indicated his intent to assist reporting entities to develop capabilities needed under the Shared Implementation Framework. This will include the provision of training materials and opportunities, including access to best practice through the NSW Anti-slavery Forum.

During the reporting period, the Office has provided advice to reporting entities on their reporting obligations and will continue to provide on-demand advice and support to reporting entities applying the Shared Implementation Framework, with a particular focus on priority supply chains (i.e. ICT, renewable energy, cleaning services).

Change the narrative

Commissioner’s statutory functions and responsibilities	Section under the Act
Advocate for and promote action to combat modern slavery	9(1)(a)
Co-operate with or work jointly with persons and organisations to combat modern slavery and provide assistance and support to victims of modern slavery	9(1)(d)
Raise community awareness of modern slavery	9(1)(g)
Promote public awareness of modern slavery and its effects on its victims	12(1)(a)
Provide advice, education and training on ways to prevent modern slavery taking place and assist the victims of modern slavery	12(1)(b)
Encourage reporting of instances of suspected modern slavery to appropriate authorities (including without limitation reporting by sex workers and bodies or organisations representing sex workers)	12(1)(c)



Changing the narrative requires raising awareness of modern slavery through communication that empowers people with lived experience, as well as building the economic, business, and broader public policy cases for anti-slavery through research, analysis, and advocacy.

Throughout FY 2023, the Commissioner engaged people across NSW and nationally by delivering keynote speeches, hosting roundtables, public meetings and online forums, engaging with media, establishing social media channels, and through a suite of publications.

Commissioner's speaking engagements and events

During the reporting period, the Commissioner conducted 58 speaking engagements, including keynote addresses, presentations, and speeches, reaching around 3,500 people from across government, industry, business, unions, and civil society.

The Office also facilitated a range of stakeholder engagement events for global anti-slavery leaders throughout the year, who shared their expertise with the NSW anti-slavery community while also learning from local efforts and, where appropriate, making public statements to the media. The Office hosted:

- The UN Special Rapporteur on Contemporary Forms of Slavery, Professor Tomoya Obokata, who engaged in policy discussions with business and corporate leaders on modern slavery due diligence in supply chains and co-hosted a roundtable on addressing the intersections between modern slavery, homelessness and housing insecurity with representatives from business, service providers, civil society, and academia.
- The CEO of the Global Fund to End Modern Slavery, Sophie Otiende, who engaged with survivors, business and community leaders and delivered the keynote address at the launch of the Commissioner's Strategic Plan 2023-2026 at NSW Parliament.
- A delegation of Uyghur human rights leaders, who shared their expertise on the issue of forced labour and survivor advocacy.

Regional NSW engagement

The Commissioner and members of his Office made official visits to four regional areas during the reporting period – Armidale, Coffs Harbour, Kempsey, and Tamworth. During these regional engagements the Commissioner met with local businesses, community representatives, councils, local Members of Parliament, community media, service providers, people with lived experience, First Nations leaders and community, and workers, to discuss the risks of and responses to modern slavery in their local areas, raise awareness of modern slavery, and discuss how working together can ensure real freedom.

First Nations engagement

Since coming to office, the Commissioner has acknowledged that First Nations communities in NSW are survivors of practices that would today qualify as modern slavery and has sought to incorporate the perspectives of First Nations survivors into his Office's work. This includes regular consultation with First Nations leaders, notably local Aboriginal land councils, during rural and regional visits. During the reporting period, the Commissioner also selected members of his new Advisory Panel, which includes two members who identify as Aboriginal and/or Torres Strait Islander.

Ahead of National Sorry Day in May 2023, the Commissioner and members of his Office joined representatives from the Kinchela Boys Home Aboriginal Corporation to visit the site of the former Kinchela Aboriginal Boys Training Home near Kempsey. The purpose of the visit was to listen to and learn from the Uncles who, as boys and members of the Stolen Generations, survived practices that are now called modern slavery, including forced child labour and various child sexual exploitation offences. The Commissioner and his team heard first-hand from the Uncles about the enduring impact of their experiences on their and their families' lives. The Commissioner is continuing to engage with the Kinchela Boys Home Aboriginal Corporation to explore ways to support their journey of healing and transformation.



From left: Dr James Cockayne (Anti-slavery Commissioner), Uncle Michael 'Widdy' Welsh (Chair, Kinchela Boys Home Aboriginal Corporation), and Uncle Roger Jarrett (Board Member, Kinchela Boys Home Aboriginal Corporation), during a visit to the site of the former Kinchela Aboriginal Boys Training Home near Kempsey on 22 May 2023.

Media engagement

In FY 2023, the Commissioner participated in 18 media interviews with community, regional, Sydney metro, national, and specialist media to help raise awareness of modern slavery. The Office's Lived Experience Advisor also began engaging with high-profile national media. News of the Commissioner's Strategic Plan release reached millions of people across NSW and Australia, appearing in over 100 print and online publications, and being featured 180 times on radio. Key highlights of the coverage of the Strategic Plan launch included a featured news bulletin on *10 News First*, in-depth stories on Channel 10's *The Project* and ABC's *The Drum*, news stories on AAP and SBS, as well as two opinion pieces in *The Daily Telegraph*.



Sophie Otiende (CEO, Global Fund the End Modern Slavery) and Dr James Cockayne (Anti-slavery Commissioner) brief the media on the release of the Commissioner's Strategic Plan 2023-2026 on 22 June 2023.

Lived Experience communication

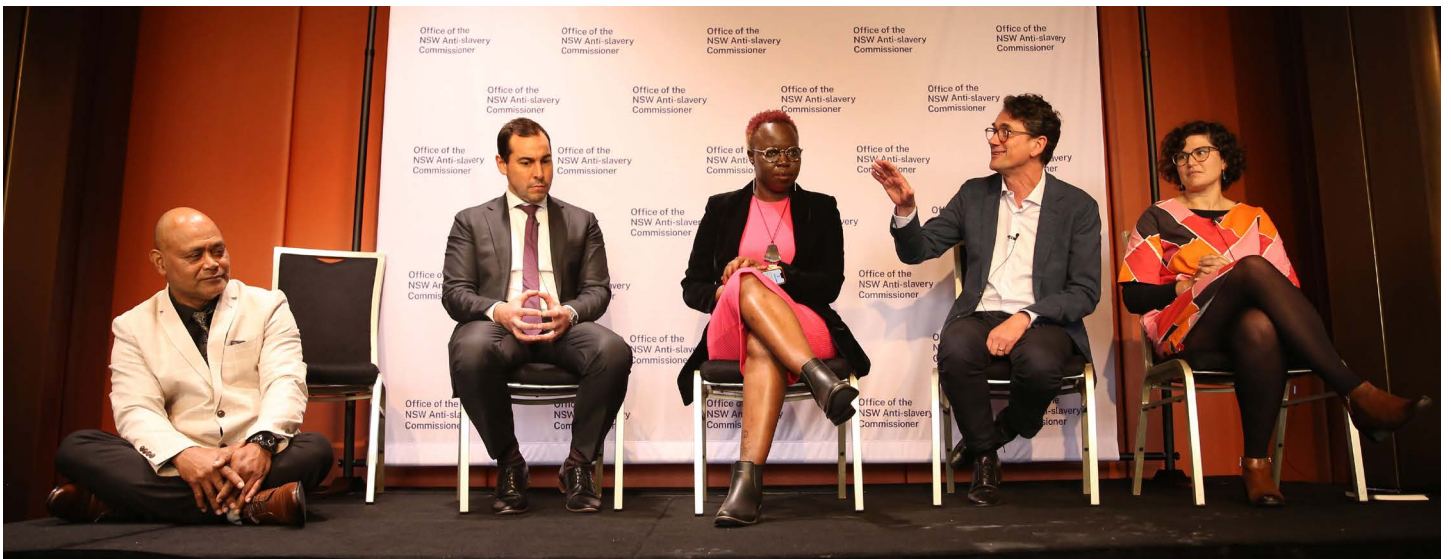
Centring the voices of people with lived experience is key to the Office's efforts to change the narrative on modern slavery. In FY 2023, the Office's Lived Experience Advisor began undertaking media and speaking engagements and emphasising the positive impact of survivor advocacy.

Research to measure public understanding of modern slavery

Foundational research commissioned by the Office in FY 2023 found that seven in ten people surveyed in NSW and Australia recognise modern slavery exists, and 65 per cent of those people recognise that businesses are engaging in modern slavery.

Almost eight in ten respondents believe that governments should do more to combat modern slavery, and almost three quarters would boycott companies profiting from modern slavery.

The research established a benchmark for the Office to measure progress in raising public awareness of modern slavery during the implementation of the Strategic Plan 2023-2026.



An expert panel discusses the Anti-slavery Commissioner's Strategic Plan 2023-2026 at its release on 22 June 2023 at NSW Parliament. From left: Moe Turaga, Joseph La Posta, Sophie Otiende, Richard Boele, and Poonam Datar.

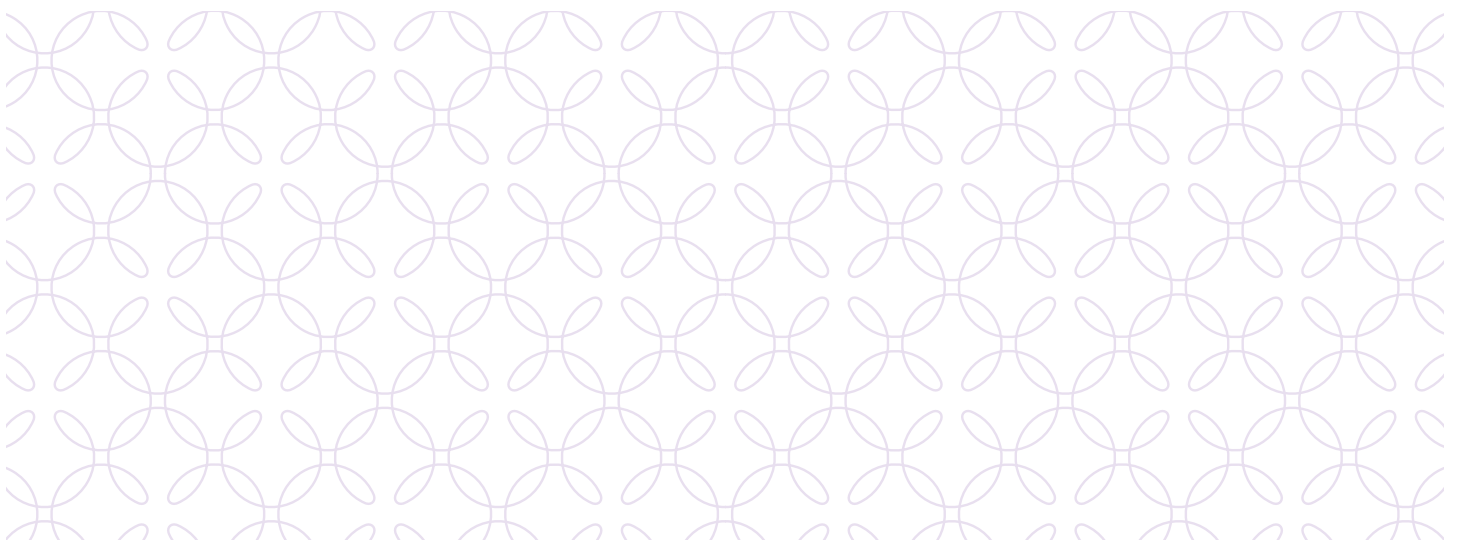


Dr James Cockayne (Anti-slavery Commissioner) meets with representatives from organisations providing settlement services to refugees from the Ezidi community in Armidale on 31 March 2023. Members of the Ezidi community survived modern slavery in their countries of origin before being resettled in Australia.

Digital engagement

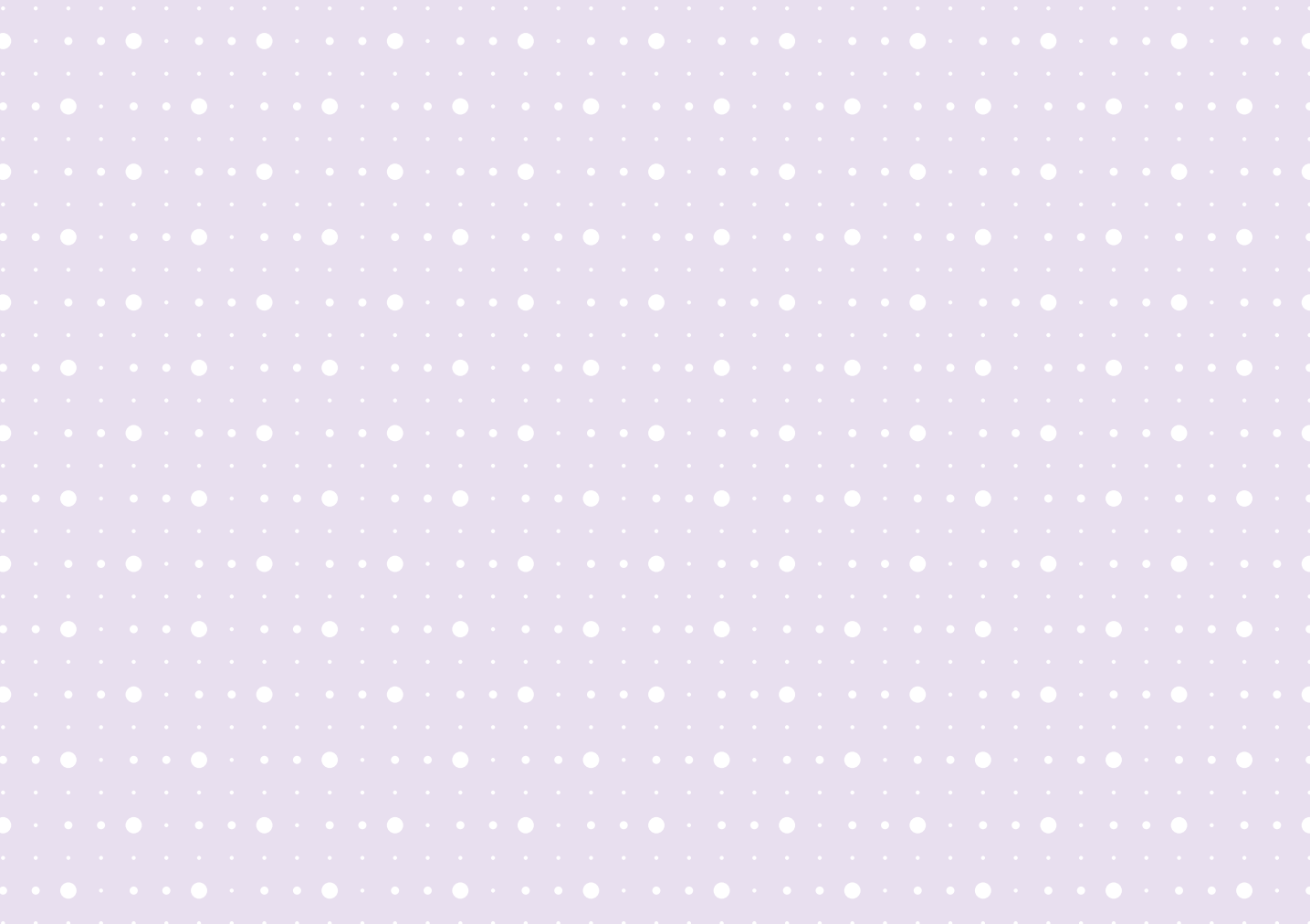
Starting from scratch without any office or engagement infrastructure this year, the Office sent out 11 newsletters and gained almost 700 subscribers. Newsletters received an average click-through rate of 20 per cent and an average open rate of 55 per cent. The Office also developed and launched social media accounts on Facebook and LinkedIn to support engagement with the NSW public and anti-slavery communities online.

Scan the QR code to sign up to receive news from the Office of the Anti-slavery Commissioner



Develop a community of purpose

Commissioner’s statutory functions and responsibilities	Section under the Act
Advocate for and promote action to combat modern slavery	9(1)(a)
Provide advice, education and training on ways to prevent modern slavery taking place and assist the victims of modern slavery	9(1)(b)
Make recommendations and provide information, advice, education and training about action to prevent, detect, investigate and prosecute offences involving modern slavery	9(1)(c)
Co-operate with or work jointly with persons and organisations to combat modern slavery and provide assistance and support to victims of modern slavery	9(1)(d)
Raise community awareness of modern slavery	9(1)(g)
Promote public awareness of modern slavery and its effects on its victims	12(1)(a)



While the Act gives the Commissioner many functions, responsibilities and powers, it is also clear that the role of the Commissioner is to stimulate and catalyse broader action to combat modern slavery in NSW.

Modern slavery is a system failure and only collective action can change the system. So, a key role of the Anti-slavery Commissioner is to develop a community of purpose.

Developing a community of purpose requires fostering collaboration among those fighting slavery in NSW and growing participation in anti-slavery efforts to include people from more diverse sectors and backgrounds.

Through his consultations during the reporting period, the Commissioner heard from a diverse range of people and organisations from across NSW who are committed to engaging in collective action to bring about the system change needed to address modern slavery. In September 2022, the Commissioner met with more than 80 people, including people with lived experience of modern slavery, hosted by the Freedom Hub.

The development of the Commissioner's Strategic Plan 2023-2026 also provided a framework for mobilising a community of purpose. Initiated with a kick-off webinar attended by more than 60 people, the Strategic Plan was then developed through a consultation process with more than 2,500 people. The diversity and expertise of the people and groups that participated in the consultation process reflect the significant opportunities to build a broad-based community of purpose to address modern slavery in NSW.

The launch of the resulting Strategic Plan at NSW Parliament in June 2023 demonstrated the extent to which the process had helped crystallise a broad community of purpose. The event brought together more than two hundred people, including survivors, First Nations leaders, community and business sector representatives and political leaders, many of whom had been involved throughout the establishment of the Commissioner's Office and in consultations to develop the Strategic Plan.

During the reporting period, the Commissioner also invited applications for his new Advisory Panel. More than 150 applications were received from which 29 people with expertise from across business, civil society, government, and research, including people with lived experience of modern slavery, were selected. The Advisory Panel commenced in FY 2024, and its activities will be reported in more detail in next year's Annual Report.

The Commissioner's Advisory Panel members for FY 2024 are:

Alexander Coward	Kyla Raby
Anna Boucher	Lina Garcia
Cindy Penrose	Luke Geary
Craig Foster AM	Moe Turaga
Eleni Argy	Nanushka
Esty Marcu	Poonam Datar
Fiona David	Rachel Elliott
Fiona Reynolds	Richard Boele
Frances Simmons	Rizwana Khan
Glenn Johnston	Sarah S
Heather Moore	Scarlett Franks
Jacob Sarkodee	Sophie Reid
Jenny Stanger	Thomas Costa
Joseph La Posta	Violet Roumeliotis AM
Kerry O'Brien	

Central to developing a community of purpose will be the new NSW Anti-slavery Forum, which will commence in FY 2024. The event will provide an opportunity for people taking action against modern slavery to learn from each other and forge collaboration across diverse sectors of the NSW community. [Sign up here](#) to the Office's newsletter to receive more information.



Attendees gather for the release of the Anti-slavery Commissioner's Strategic Plan 2023-2026 on 22 June 2023 at NSW Parliament.

Other statutory reporting requirements

Extent to which the NSW Government has provided mandatory training on modern slavery to front-line government agencies and the public generally during the year

Section 19(3)(a) of the Act requires the annual report to include a review of the extent to which the government of NSW has provided mandatory training on modern slavery to front-line government agencies and the public generally during the year.

The Office has been advised of the following from NSW Government Departments:

1. The Department of Communities and Justice training on modern slavery is detailed below:

The Department's intranet site contains information and resources for caseworkers regarding what to do if issues of underage forced marriage or domestic and family violence are reported. This includes internal procedures and reporting to the Australian Federal Police in cases of forced marriage.

Additionally, Multicultural caseworkers are available to provide cultural consultation to caseworkers working with multicultural families, which may include consultation regarding underage forced marriage.

Outlined below are additional activities that the Department is progressing over this financial year.

NSW Domestic, Family and Sexual Violence Plans 2022-2027

In 2022, the Department developed the *NSW Domestic and Family Violence Plan 2022-2027* and *Sexual Violence Plan 2022-2027* in consultation with key stakeholders. Both Plans were publicly released on 9 December 2022. The Plans provide strategic direction to prevent and respond to domestic and family violence and sexual violence in NSW over five years. The Plans are structured around five pillars: primary prevention; early intervention; response; recovery and healing; and system enablers. The Plans respond and align with the *National Plan to End Violence against Women and Children 2022-2032*.

Under the pillar of system enablers, the Plans include a focus area on building workforce capacity and capability. This includes a Domestic and Family Violence Workforce Development Strategy and Workforce Survey.

Domestic and Family Violence Workforce Development Strategy

The *NSW Domestic and Family Violence Plan 2022-2027* includes an action to develop a 10-year Domestic and Family Violence Workforce Development Strategy. In consultation with key stakeholders, the Department is currently leading the development of this Strategy. The aim of this Strategy is to build the competency of mainstream and specialist workers to better understand and respond to domestic and family violence. The Strategy will consider the training needs of the workforce, including on modern slavery.

Domestic and Family Violence Workforce Survey

The *NSW Domestic and Family Violence Plan 2022-2027* also includes an action to conduct a workforce census to better understand the capacity of the specialist and broader workforce to identify and respond to domestic and family violence. The Department is finalising the content of this survey, and consideration is being given to including a specific question on whether workers have completed training on modern slavery, such as human trafficking or forced marriage, and whether they would like to receive training on this topic.

NSW Forced Marriage Network

The Department's Multicultural Services, Office of the Senior Practitioner and Child Protection Helpline, participate in the quarterly meetings of the NSW Forced Marriage Network, which supports awareness raising and builds collaboration between government and non-government agencies.

2. The New South Wales Police Force (NSWPF) training on modern slavery is detailed below:

The NSWPF is committed to the national policing protocol to combat human trafficking and slavery and is working closely with all Australian police services in understanding and identifying these types of crimes.

In 2022, the NSWPF adopted the Australian Federal Police (AFP) “Look a Little Deeper” training package, which has been designed to increase the capability of police to identify, disrupt, investigate and respond to modern slavery offences. This material is now being delivered to all NSWPF employees. The NSWPF was also represented at this year’s Commonwealth Attorney General’s Modern Slavery Conference, which brought together a number of stakeholders to build on the work and action underway to combat modern slavery.

3. The New South Wales Health (NSW Health) training on modern slavery is detailed below:

A modern slavery component was included in the NSW Health policy training provided to approximately 700 staff in 2022. There was also inclusion of a training component on modern slavery within the ongoing Procurement Academy training. Modern Slavery guidance is provided throughout the Procurement Policy Procedures. HealthShare NSW currently is working to develop a comprehensive Modern Slavery Action Plan.

4. The Department of Customer Service does not currently provide training on modern slavery.

Extent to which the NSW Government has implemented changes in the information and communications technology use policies applicable to government agencies to prohibit the viewing of child abuse material and provided clear guidelines for responding to failures to comply with those policies during the year

Section 19(3)(b) of the Act requires the annual report to include a review of the extent to which the government of NSW has implemented changes in the information and communications technology use policies applicable to government agencies to prohibit the viewing of child abuse material and provided clear guidelines for responding to failures to comply with those policies during the year.

The Office has been advised of the following from NSW Government Departments:

1. The New South Wales Police Force (NSWPF) approach to child abuse material is detailed below:

Child abuse material offences are contained in both NSW and Commonwealth legislation. In NSW, the definition of child abuse materials is set out in section 91FA of the *NSW Crimes Act 1990*, which defines a child as someone under 16 years of age. The *Commonwealth Criminal Code Act 1995* refers to this material as child pornography and defines a child as under 18 years of age.

Child abuse material offences require classification in accordance with the Interpol Baseline Categorisation. The NSWPF has a welfare and evidentiary-based policy that guides officers required to view child abuse material for classification purposes. The NSWPF Child Exploitation Internet Unit also works closely with the AFP Joint Anti-Child Exploitation Team and Commonwealth Director of Public Prosecutions to further explore appropriate processes for the viewing and classification of child abuse material.

Action by DCJ during the year to develop a system of support (including provision of accommodation) for victims of forced under-age marriage, irrespective of whether any offence against the victim has been prosecuted

Section 19(3)(c) of the Act requires the annual report to include a review of the action by the Department of Communities and Justice during the year to develop a system of support (including provision of accommodation) for victims of forced under-age marriage, irrespective of whether any offence against the victim has been prosecuted.

The Office has been advised by the Department of Communities and Justice of the following information:

Support for victim-survivors of under-age forced marriage

Child protection services

The Child Protection and Permanency, District and Youth Justice division delivers services across the departmental functions of child protection, out-of-home care, youth justice and public housing. It works with children, young people, families, and communities who are experiencing vulnerability and disadvantage to support them. As part of the Department's role, services are provided to children and young people whose safety is at risk of significant harm due to domestic and family violence. This may include instances where the child or young person has been, or is at risk of being, subject to underage forced marriage.

The Department operates within the legislative framework of the *Children and Young Persons (Care and Protection) Act 1998* (NSW) to assess the safety and wellbeing of children and young people and provide ongoing support to reduce risk to them. In some circumstances, this may mean supporting them to live outside of the family home. In most instances, this is provided by kinship or foster carers and, in some situations, youth accommodation facilities.

The Department may also connect a child or young person to health and therapeutic supports to meet their individual needs. In addition, Targeted Earlier Intervention services are also engaged to support children, young people and families where appropriate.

In occurrences of underage forced marriage, there may also be a criminal response by way of charging the alleged perpetrator with the offence of child forced marriage under section 93AC of the *Crimes Act 1900* (NSW) and also ensuring ongoing support to the impacted child or young person.

Victims Services

The Victims Support Scheme provides counselling, financial assistance and a recognition payment to victims of an act of violence or act of modern slavery. From 1 January 2022, eligible primary victim-survivors of modern slavery, where the slavery occurred in NSW, may apply for support through the Victims Support Scheme.

A parent, step-parent or guardian who is caring for a child who is a primary victim-survivor may also be eligible for financial assistance. There does not need to be a charge or conviction.

Under the scheme, an act of modern slavery is an act, or series of related acts, that:

- apparently occurred during an offence or other conduct constituting modern slavery; and
- involved a form of slavery, servitude or forced labour of a child; and
- resulted in injury (physical or psychological) or death.

Systemic work to address forced marriage

On 9 December 2022, the Standing Council of Attorneys-General (SCAG) agreed to tackle the issue of forced marriage through a coordinated national response. This aligns with the Commonwealth Government commitment, under the *National Action Plan to Combat Modern Slavery 2020-2025*, to develop a model for enhanced civil protections and remedies for individuals in, or at risk of, forced marriage.

To progress this work, SCAG resolved at its December 2022 meeting to establish a Forced Marriage Sub-Committee under its Family Violence Working Group. It was agreed that the role of this Sub-Committee will be to develop options for a model to enhance available civil protections and remedies to prevent and respond to forced marriage for consideration and agreement by the Family Violence Working Group.

The Department has two representatives on the Forced Marriage Sub-Committee from its Women, Family and Community Safety and Child and Family Directorates, and has actively provided input into the work of this Sub-Committee since its establishment.

Evaluation of the response of relevant government agencies to the recommendations of the Commissioner

Section 19(2)(c) of the Act requires the annual report to include an evaluation of the response of relevant government agencies to the recommendations of the Commissioner.

The Commissioner has not yet made any formal recommendations to government agencies. He anticipates making formal recommendations to relevant government agencies under the Act in FY 2024, and report on the evaluation of the responses of those agencies in the FY 2024 annual report. The limited use of the Commissioner's power of recommendation to government agencies during FY 2023 reflects the startup phase of his mandate.

Any recommendations for changes in the laws of the State, or for administrative action, that the Commissioner considers should be made as a result of the exercise of the Commissioner's functions

Section 19(2)(d) of the Act requires the annual report by the Commissioner to include any recommendations for changes in the laws of the State, or for administrative action, that the Commissioner considers should be made as a result of the exercise of the Commissioner's functions.

While early in the mandate, what is clear is that modern slavery is a system failure and requires a system wide approach to combat it. It is essential to ensure that existing system capabilities work towards shared anti-slavery goals and that gaps in the system are effectively identified and addressed.

Providing and enabling remedy to victims of modern slavery requires improved access for people with lived experience to essential services. Many survivors find it challenging to access effective remedy, including essential services such as housing, primary and mental health care, and the legal and financial advice they need to recover.

As highlighted earlier in the annual report, whilst these types of services are typically an important focus of government activity at the state and territory level, state and territory service providers have been somewhat 'missing' from anti-slavery efforts, which have historically been primarily driven by federal government action (in close cooperation with several civil society organisations).

State and territory agencies are not, for example, routinely included in the processes or meetings of the National Roundtable on Human Trafficking and Slavery.

NSW government service providers' lack of specific focus on the identification and needs of those at risk of modern slavery is a missed opportunity. It has flow on implications, as those vulnerable to modern slavery become entrenched in that vulnerability, through limited access to housing, healthcare, financial and legal support.

There is an opportunity for administrative action at the state level to enable a more coordinated, system-wide approach to combat modern slavery. As the implementation of the *Modern Slavery Act 2018* (NSW) is in its early, foundational days, it is however too early to identify what specific legislative or administrative solution might best address this opportunity. The Commissioner looks forward to working with the Government and Parliament in the coming year to consider options.

Notes

1. J Cockayne, Anti-slavery as smart public policy, NSW Parliament House Theatre, 10 November 2022.
2. LJ Lederer and CA Wetzel, (2014) The health consequences of sex trafficking and their implications for identifying victims in healthcare facilities, 23(1) *Annals of Health Law*, 61, p. 77.
3. See S. Lyneham, C. Dowling and S. Bricknell, Estimating the dark figure of human trafficking and slavery victimisation in Australia, Statistical Bulletin no. 16 (Canberra: Australian Institute of Criminology, 2019).
4. NSW Government agency provided invoice data, aggregated in NSW Government Spend Cube (September 2023).
5. *R v Tang* (2008) 237 CLR 1.
6. International Labour Organization, Walk Free and International Organization for Migration, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage (Geneva, 2022).
7. See note 3, p. 6
8. Walk Free, Global Slavery Index: Australia (Perth, 2023).
9. Australian Red Cross, Support for Trafficked People Program: Data Snapshot: 2009 to 2019 (North Melbourne: 2019), p. 3.
10. UnionsNSW, Wage theft – the shadow market: Empowering migrant workers to enforce their rights (Sydney, 2022), p. 28.
11. Australian Federal Police, Reports of Human Trafficking and Slavery to AFP reach new high, (Canberra, 2022); S Lyneham and S Bricknell, When saying no is not an option: Forced marriage in Australia and New Zealand (Canberra: Australian Institute of Criminology, 2018), p. 2.
12. S Lyneham, Attrition of human trafficking and slavery cases through the Australian criminal justice system (Canberra: Australian Institute of Criminology, 2021).
13. G Mebalds and LM Garcia Daza, Barriers in accommodating survivors of modern slavery: Working towards safe, suitable, and sustainable housing (North Melbourne: Australian Red Cross, 2021), p. 24.
14. Figures calculated based on NSW case data and methodologies used in: S Reed, S Roe, J Grimshaw and R Oliver, The economic and social costs of modern slavery: Research Report 100 (London: UK Home Office, 2018); S Lyneham, C Dowling and S Bricknell, Estimating the dark figure of human trafficking and slavery victimisation in Australia: Statistical Bulletin no. 16 (Canberra: Australian Institute of Criminology, 2019).
15. See J Cockayne, Developing Freedom: The Sustainable Development Case for Ending Modern Slavery, Forced Labour and Human Trafficking (New York: United Nations University, 2021).
16. Office of the NSW Anti-slavery Commissioner, Reporting for Action: Submission of the NSW Anti-slavery Commissioner to the Review of the Modern Slavery Act 2018 (Cth) (Sydney, 2022).
17. See note 4

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