



The Hon. Don Harwin MLC

Leader of the Government in the Legislative Council

Special Minister of State

Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts

Vice-President of the Executive Council

Ref: A3901309

Mr David Blunt
Clerk of the Parliament
Parliament House
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SYDNEY NSW 2000

By email: david.blunt@parliament.nsw.gov.au

Dear Mr Blunt

Government's response to Legislative Council Standing Committee on Social Issues Report 56

I write to provide the Government's response to the Legislative Council's Standing Committee on Social Issues inquiry into the *Modern Slavery Act 2018* ('the NSW Act') and Associated Matters.

I thank the Committee members for their work and consideration of this serious issue.

The Government is committed to implementing a modern slavery regime in NSW.

In the first instance, the Government will enter into discussions with the Commonwealth to achieve greater harmonisation with the Commonwealth *Modern Slavery Act 2018* ('the Commonwealth Act'). To this end, the Government supports in-principle **Recommendation 5** of the Committee's report that the NSW Government work with the Australian Government to seek harmonisation of the supply chain reporting threshold, ideally at \$50 million consolidated revenue, as a key reform for a standard national approach to modern slavery.

Following the conclusion of discussions with the Commonwealth, the Government intends on amending the NSW Act and then commencing components of the NSW Act that complement the Commonwealth Act and which are not inconsistent with it.

Attachment A to this letter sets out the Government's response to each of the Committee's 17 recommendations. The NSW Government either accepts in-principle or notes all the recommendations of the Committee's report.

I would be grateful if you could arrange for this letter to be tabled as the Government's response to Report 56.

Yours sincerely

Don Harwin MLC

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Vice-President of the Executive Council

Received at 0.05 pm
Thursday 24 September 2020

DATE: 24.9.20

Attachment A: Government's response to Legislative Council Standing Committee on Social Issues Report 56

No.	Recommendation	Topic/Category	Government Response
1	That the NSW Government proceed to introduce amendments to the Modern Slavery Act 2018 taking into consideration the comments and recommendations of this report, with the aim of the Act commencing on or before 1 January 2021.	General	<p>Supported in-principle</p> <p>The Government supports amending the <i>Modern Slavery Act 2018</i> (the NSW Act) in line with the following principles:</p> <ul style="list-style-type: none"> (a) Harmonising the NSW Act with the Commonwealth's <i>Modern Slavery Act 2018</i> (the Commonwealth Act) with respect to the supply chain reporting threshold; (b) Retaining components of the NSW Act that complement the Commonwealth Act and which are not inconsistent with it, including: <ul style="list-style-type: none"> • Establishing the NSW Anti-slavery Commissioner together with its public awareness and advisory functions; • Ensuring that goods and services procured by NSW Government agencies are not the product of modern slavery; and • Increasing support and assistance for victims of modern slavery; <p>As to process, the Government supports:</p> <ul style="list-style-type: none"> (a) Commencing discussions with the Commonwealth on the issue of harmonisation in the first instance; and

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No.	Recommendation	Topic/Category	Government Response
			(b) Amending the NSW Act and commencing its operation once discussions with the Commonwealth have concluded.
2	That the NSW Government seek to amend the Modern Slavery Act 2018 to include a statutory review of the Act, to be conducted in conjunction with the Australian Government's statutory review of the Modern Slavery Act 2018 (Cth).	Monitoring, Evaluation and Reporting	Supported in-principle , and following the conclusion of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.
3	That the NSW Government seek to amend the reporting threshold terminology in section 24 of Modern Slavery Act 2018 to replace the term 'turnover' with 'consolidated revenue'.	Supply chain reporting for business	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth.
4	That the NSW Government and the Interim Anti-Slavery Commissioner continue to work with businesses which meet the reporting threshold under section 24 of the Modern Slavery Act 2018 to ensure that reporting requirements are as simple as possible and clearly explained in the guidance material.	Supply chain reporting for business	Supported in-principle , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.

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No.	Recommendation	Topic/Category	Government Response
5	That the NSW Government work with the Australian Government to seek harmonisation of the reporting threshold, ideally at \$50 million consolidated revenue, as a key reform for a standard national approach to modern slavery.	Supply chain reporting for business	Supported in-principle. The Government intends to enter into discussions with the Commonwealth with a view to achieving greater harmonisation.
6	That the NSW Government seek to amend the Modern Slavery Act 2018 to specify a relevant authority responsible for conducting prosecutions that involve breaches of section 24.	Supply chain reporting for business	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.
7	That, as part of the statutory review recommended in Recommendation 2, the NSW Government reassess the exemption for charities and not-for-profit organisations from section 24 of the Modern Slavery Act 2018, including by: <ul style="list-style-type: none"> • seeking input from the charity and not-for-profit sector • considering mechanisms to support charities and not-for-profits to meet the reporting requirement in section 24 going forward. 	Supply chain reporting for business	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.
8	NSW Government not amend the Draft Modern Slavery Regulation 2019 to include an exemption from section 24 of the Modern Slavery Act 2018 for not-for-profit registered clubs.	Supply chain reporting for business	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.

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No.	Recommendation	Topic/Category	Government Response
9	That the Anti-Slavery Commissioner on an ongoing basis examine and report on matters regarding the appropriateness of bringing franchisors, on behalf of franchisees not otherwise captured by the Modern Slavery Act 2018, under the state legislation.	Supply chain reporting for business	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.
10	That the NSW Government finalise the development of a voluntary reporting mechanism for businesses falling under the \$50 million reporting threshold in section 24 of the Modern Slavery Act 2018, to be rolled out following the statutory review recommended in Recommendation 2.	Supply chain reporting for business	Supported in-principle , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.
11	That the NSW Government develop legislative amendments to be introduced following the statutory review recommended in Recommendation 2 to provide for: <ul style="list-style-type: none"> • modern slavery procurement and reporting obligations for local councils equivalent to those imposed on NSW Government agencies • a regulation-making power to exempt any council or class of councils from such obligations. 	Supply chain reporting for business	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.
12	That the NSW Government amend Item [32] in the Draft Modern Slavery Amendment Bill	Legal/ Criminal Offences	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.

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No.	Recommendation	Topic/Category	Government Response
	2019 to bring section 93AC of the Crimes Act 1900 into line with the current definition of forced marriage in the Criminal Code Act 1995 (Cth).		
13	That the NSW Government consider and work to resolve the issues raised by Legal Aid NSW in relation to section 91G of the Crimes Act 1900 prior to the introduction of the Modern Slavery Amendment Bill 2019 into the New South Wales Parliament.	Legal/ Criminal Offences	Noted , subject to the outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.
14	<p>That the NSW Government:</p> <ul style="list-style-type: none"> • omit Items [22] and [23] of the Draft Modern Slavery Amendment Bill 2019 so as to retain the reference to section 32 of the Human Tissue Act 1983 as a modern slavery offence • create an exemption in the Human Tissue Act 1983, via an additional amendment in the Draft Modern Slavery Amendment Bill 2019, to ensure that NSW Health and other relevant organisations can continue to source blood and other blood products from comparable overseas countries. 	Legal/ Criminal Offences	Noted , subject to further consideration in light of legal, justice and health policy advice and outcomes of harmonisation discussions with the Commonwealth, arising out of Recommendation 5.

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No.	Recommendation	Topic/Category	Government Response
15	That the NSW Government seek to amend Schedule 5.7 of the Modern Slavery Act 2018 to give victims of acts of modern slavery access to recognition payments under the Victims Rights and Support Act 2013.	Victims support	Supported in-principle
16	<p>That the NSW Government:</p> <ul style="list-style-type: none"> • review the provisions of Schedule 5.7 of the Modern Slavery Act 2018 to ensure that the amendments made to the Victims Rights and Support Act 2013 are based on the current version of that Act • make any consequential amendments in the Draft Modern Slavery Amendment Bill 2019. 	Victims support	Supported in-principle
17	That the NSW Government establish a working group which includes the Anti-Slavery Commissioner, NSW Police, the Department of Justice and Communities and other relevant stakeholders to develop further amendments to the Crimes (Domestic and Personal Violence) Act 2007 to protect potential victims of forced marriage, to be introduced following the statutory review recommended in Recommendation 2.	Victims support	<p>Supported in-principle</p> <p>The Department of Communities and Justice is undertaking a review as to whether further legislative protections for victims of forced marriage are necessary under NSW law, in particular in the apprehended violence order regime. This work will be informed by consideration of the Standing Committee's report and include consultation with key stakeholders.</p>