



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

QToN No. 1

STANDING COMMITTEE ON PUBLIC ACCOUNTS

Mrs Elizabeth Kikkert MLA (Chair), Mr Michael Pettersson MLA (Deputy Chair),  
Mr Andrew Braddock MLA

**Inquiry into the Modern Slavery Legislation Amendment Bill**  
**ANSWER TO QUESTION TAKEN ON NOTICE**  
**DUE: Friday 23 June 2023**

Asked by Mrs Kikkert on 15 June: The NSW Anti-Slavery Commissioner, Dr Cockayne took on notice the following question(s):

[Ref: Hansard Uncorrected Proof Transcript [16/06/23] [PAGES 26 - 27]]

In relation to:

**THE CHAIR:** Just very quickly, it says that:

New South Wales does not currently impose financial penalties for failure to report or for other violations, except in relation to cooperation with that particular committee.

What does that entail?

**Dr Cockayne:** It is just the normal contempt powers, essentially, of any parliamentary committee. So they have—

**THE CHAIR:** So they can impose a penalty on a particular individual—

**Dr Cockayne:** Individual for failing to cooperative with, for example, a summons. Summons may not be the correct word, excuse me, but there is a criminal offence, essentially, that they can impose for—

**THE CHAIR:** And the committee has the power to impose that?

**Dr Cockayne:** My understanding—yes. I can just—

**THE CHAIR:** Interesting.

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**THE CHAIR:** Thank you, Dr Cockayne. If you have taken any questions on notice, which reminds me, would you be open to taking any questions after this hearing if we have any?

**Dr Cockayne:** Yes, I am happy to provide you the source of the committee's power.

Reference number: ASC/2023/024

**Response to the question**

Under section 21(1) of the *Modern Slavery Act 2018* (NSW), a joint committee of members of NSW Parliament, known as the Modern Slavery Committee, is to be appointed as soon as practicable after the commencement of the first session of each Parliament.

The Modern Slavery Committee has the functions conferred on it under the *Modern Slavery Act 2018* (NSW), including to inquire into and report on matters relating to modern slavery and report to both Houses of Parliament on matters relating to modern slavery (sections 21(2) and 22)).

Schedule 1 of the *Modern Slavery Act 2018* (NSW) includes further provisions in relation to the procedure and functions of the Modern Slavery Committee.

For example, under section 6 of Schedule 1, the Modern Slavery Committee has the power to send for persons, papers and records. Penalties are available for failing to deal with evidence in accordance with the *Modern Slavery Act 2018* (NSW), including for disclosing or publishing evidence from a witness taken by the Committee in private, without the consent in writing of the witness and authority of the Committee: Maximum penalty 20 penalty units or imprisonment for 3 months, or both (Schedule 1 of the *Modern Slavery Act 2018* (NSW) section 7(3) – (4)).

Under section 33 of the *Modern Slavery Act 2018* (NSW), proceedings for an offence may be dealt with summarily before the NSW Local Court.

There is also other legislation that applies to the Modern Slavery Committee as a joint committee of NSW Parliament, including the *Parliamentary Evidence Act 1901* (NSW) and the *Parliamentary Papers (Supplementary Provisions) Act 1975* (NSW).

The *Parliamentary Evidence Act 1901* (NSW) deals with the summoning, attendance, and examination of witnesses before either House of NSW Parliament or any Committee thereof.

Under that Act, a witness may be summoned (section 4) and there may be serious consequences if a summoned witness fails to attend and give evidence (sections 7 to 9).

Penalties are available if a witness refuses to answer any lawful question during the witness' examination (section 11) or for giving false evidence (section 13).

Approved for circulation to the Standing Committee on Public Accounts

Signature:



Date: 20 June 2023

Title: Dr Cockayne, NSW Anti-Slavery Commissioner