



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON PUBLIC ACCOUNTS

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Submission Cover Sheet

Inquiry into the Modern Slavery Legislation Amendment Bill 2023

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Standing Committee on Public Accounts
ACT Legislative Assembly
GPO Box 1020
Canberra ACT 2601

Dear Committee,

Inquiry into the Modern Slavery Legislation Amendment Bill 2023

The ACT Law Society welcomes the opportunity to comment on the Modern Slavery Legislation Amendment Bill 2023, which was presented to the Legislative Assembly and referred to the Standing Committee on Public Accounts on 28 March 2023. The Standing Committee resolved to inquire into the Bill for report to the Assembly. The ACT Law Society (the Society) provides the following comments on a possible addition to the Bill, informed by the expertise of the Society's Employment Law Committee.

The Society supports the efforts of governments at all levels to minimise the risk and occurrence of modern slavery. We note in this regard the existing model of the NSW legislation, with which this bill is intended to harmonise.

We note the Bill provides for the creation of a new Anti-Slavery Commissioner including monitoring and enforcement functions to be directed towards ACT government entities and ACT government procurements. We also note that the Commissioner will be situated within the ACT Human Rights Commission and that the Commissioner will be empowered to refer incidents of suspected modern slavery to the relevant authorities. It is anticipated that this may result in the Commissioner receiving direct contact and requests for assistance from potential victims of modern slavery. In these circumstances, we consider that the legislation should explicitly empower the Commissioner to refer the complainant or potential victim to appropriate, personalised legal support.

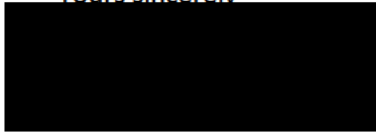
Any incidence of slavery necessarily carries with it not only implications for the perpetrator, but also a series of enmeshed and complex issues for the person affected. These may include issues relating to unpaid employment entitlements and wage theft, migration and visa matters, and child protection and family law amongst others. Interactions with statutory bodies and officers in many of these areas without appropriate legal representation, carries the potential for negative consequences for the person affected by modern slavery; contrary to the intention of the legislation.

We consider that individuals who have been victim to modern slavery or who are at risk, would benefit from the Commissioner being specifically empowered to refer complainants and persons

affected by modern slavery to appropriate legal services that can assist with protecting the person's legal rights and taking appropriate legal actions. This could include Legal Aid ACT, community legal centres, trade unions, private law practices and other appropriate organisations, where they have the capacity to assist and support persons who present to the Commission or are identified in the Commissioner's investigations. Where a person notifies the Commissioner that they have legal representation, it may also be appropriate for the Commissioner to be empowered to share information, documents or other appropriate disclosures relating to the individual's circumstances with that representative in a similar manner to that set out at section 18I (2).

The Society would welcome the opportunity to comment further if that would be of assistance.

Yours sincerely



Chief Executive Officer