



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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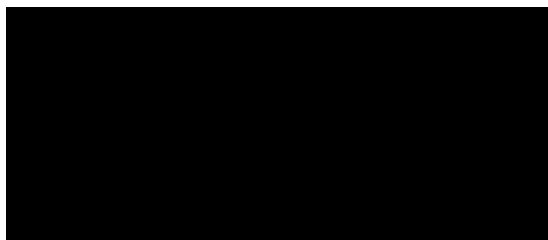
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People are NOT for sale

**Australian Catholic Religious
Against Trafficking in Humans**

Submission to the ACT Standing Committee on Public Accounts:
Inquiry into the Modern Slavery Legislation Amendment Bill 2023

From: Christine Carolan
National Executive Officer



ACRATH Background

ACRATH (Australian Catholic Religious Against the Trafficking of Humans) is an Australian registered charity with a network that spans across Australia in cities, regional centres, and remote Australia. We have an active team of members in the ACT. The network also extends overseas including to countries in Asia, the Pacific and Timor Leste, where ACRATH members have worked for many decades and have a deep understanding of local communities and culture.

ACRATH's purpose is to eliminate human trafficking and the harm it causes, in Australia, in the Asia Pacific region and globally. We do this in collaboration with non-government organisations, with government officials and with Members of Parliament.

ACRATH Strategic Directions 2023-2025 are:

1. Advocate for and with victims and survivors of human trafficking and slavery
2. Raise awareness of human trafficking and slavery
3. Address and prevent human trafficking, forced labour and forced marriage
4. Strengthen organisational sustainability.

Our programs include, for example, the provision of companionship to people trafficked into Australia and their children and education programs in schools. ACRATH was a key participant in the successful campaign for the establishment of the Modern Slavery Act 2018 (Cwlth) and the Modern Slavery Act 2018 (NSW) as well as several other pieces of legislation.

ACRATH welcomes the opportunity to provide a submission for the Inquiry into the Modern Slavery Legislation Amendment Bill 2023.

ACRATH commends the ACT Legislative Assembly for considering modern slavery legislation. Legislation sends a message that human trafficking and slavery is not tolerated.

ACRATH would like to provide the following comments on the proposed legislation:

1. ACT Government Obligations

ACRATH affirms the requirement for all ACT Government Directorates and Territory entities to comply with the reporting requirements of the Modern Slavery Act 2018 (Cwlth) irrespective of their annual turnover.

Requiring ACT Government procurements to ensure tenderers are taking steps to identify and mitigate risks of modern day slavery when providing goods, services or works to the ACT Government or territory entities is a positive initiative and illustrates a commitment to protect the dignity and human rights of those working in the various supplier industries and to eliminate exploitation.

We note that Part 5B (2) states "the administrative unit or territory entity must (a) volunteer to comply with the Modern Slavery Act 2018 (Cwlth) and that section 6 (1) of the Cwlth Act refers to volunteering. As an alternative we suggest that the ACT legislation consider "opting in" to the Commonwealth reporting system of the Modern Slavery Act 2018 (Cwlth) Section 6 (1) b.

2. Anti-Slavery Commissioner

ACRATH strongly supports the appointment of an Anti-Slavery Commissioner with the responsibility to advocate against modern slavery; acknowledge, protect and promote the rights of victim survivors of modern slavery, as well as monitoring and reporting on the risks of modern slavery in the ACT and ACT Government supply chains. These responsibilities will ensure the legislation does more than seek to ensure that supply chains are slavery free. In particular, ACRATH recommends that the Anti-Slavery Commissioner be given powers to “give any information, document or other thing relating to the slavery allegation to a statutory office-holder” if the Commissioner suspects the person is a child(Section 18I(2) & (3)).

In order to exercise the role of Anti-Slavery Commissioner, it is also necessary that the Commissioner has the “power to ask for information” (Section 18J). The draft legislation states that a “person commits an offence if— (a) the person is given a notice under this section; and (b) the person fails to comply with the notice. We know that some victim/survivors do not wish to speak with law enforcement for various reasons. It is important that their freedom and right to remain silent is respected and that victim/survivors are not prosecuted for failing to provide information to law enforcement officials.

3. Businesses which tender to the ACT Government or territory entities

ACRATH affirms the objective of the legislation to ensure goods and services procured by the ACT Government or territory entities are not tainted by modern slavery.

ACRATH believes it is important that the tendering entity has the expertise needed to report. We suggest that rather than the threshold being determined by the value of the tender, the income of the business tendering might be a better measuring standard. While many tendering businesses may be required to report under the Modern Slavery Act 2018 (Cwlth), it is also possible that an entity not required to report under the Commonwealth Act might submit a tender for \$25,000 or greater. It is recommended that the legislation balance the need to address modern slavery in ACT supply chains while at the same time small businesses not be burdened by red tape.

4. Education and Training for Entities

It will be important to ensure all small to medium sized businesses have the skills needed to investigate their supply chains beyond the first tier. It is imperative that the legislation prevents the modern slavery equivalent of greenwashing. This could be achieved through appropriate training and implementation of investigative measures. The receiving entity also needs to have the expertise to assess the validity of the tendering business’s modern slavery report. Entities required to report should be required to provide employee training including how to verify supply chains and

address and evaluate supply chains as well as training about slavery and human trafficking.

In conclusion, ACRATH would like to again congratulate the ACT Legislative Assembly for considering such robust anti-slavery legislation. Thank you for the opportunity to share our insights. ACRATH does so in a spirit of collaboration and with the hope that the final legislation will assist in eliminating modern slavery and restoring dignity for those who have been exploited.