

Modern Slavery

The Law Society of New South Wales' preliminary response

The United Nations' International Labour Organisation and the Walk Free Foundation estimate there are approximately 40 million victims of modern slavery around the world. Modern slavery refers to forced labour, debt bondage, human trafficking, and other situations of serious exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, or abuse of power. The nature and extent of modern slavery means there is a high risk that it may be present in operations and supply chains. Modern slavery can occur in every industry and sector and has severe consequences for victims.

The *Modern Slavery Act 2018* (Cth) requires large Australian businesses to publish annual modern slavery statements reporting on the risks of modern slavery in their operations and supply chains and actions they have taken to assess and address those risks. The *Modern Slavery Act 2018* (NSW) (which is not yet in force and is currently subject to further consideration by the NSW Government) also requires businesses to prepare and publish an annual modern slavery statement, and introduces the statutory role of a state Anti-Slavery Commissioner to promote action to address modern slavery and oversee implementation of the NSW law.

The Law Society has actively supported the NSW Government in the development and proposed implementation of the NSW anti-slavery scheme. In October 2019, the Law Society welcomed the establishment of a Parliamentary inquiry into the *Modern Slavery Act 2018* (NSW), which provided the opportunity to identify and address potential inconsistencies between the NSW and federal modern slavery Acts. The Law Society made a detailed submission to the inquiry, which was informed by our Human Rights, Business Law, Criminal Law and Government Solicitors Committees. In its submission, the Law Society outlined its support for transparency in the supply chain of goods and services, as part of a human rights solution to modern slavery. The Law Society also provided evidence to the Legislative Council Standing Committee on Social Issues on 4 November 2019 for the inquiry.

In March 2019, the Law Society hosted a CPD session focused on the requirements of the NSW and Commonwealth modern slavery Acts, and the likely interaction between the two laws. The panellists included NSW's Interim Anti-Slavery Commissioner, Professor Jennifer Burn, and other leading experts from government, civil society, and the private sector. The CPD panel session provided some valuable tips for solicitors advising companies and all tiers of government (including local councils) on procurement practices. The panel also provided an overview of the prevalence of modern slavery worldwide and the background to Australia's legislative response to the issue.

The Law Society has also supported the development and implementation of the Commonwealth modern slavery scheme by contributing to Law Council submissions to the 2017 inquiry into establishing a Modern Slavery Act in Australia, the inquiry into the *Modern Slavery Bill 2018* (Cth), and the Department of Home Affairs consultation on the *Modern Slavery Act 2018: Draft guidance for reporting entities*.

The Law Society is committed to responsibly assessing and addressing modern slavery risks in our own operations and supply chains. It is our aim to take steps to prevent and, if required, address any modern slavery in connection with our own operations, including the suppliers who work with us or act on our behalf.

The Law Society of New South Wales will submit its first Modern Slavery Statement by 31 March 2021.