



THE LAW SOCIETY
OF NEW SOUTH WALES

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18 January 2024

Dr James Popple
Chief Executive Officer
Law Council of Australia
DX 5719 Canberra

By email: Adam.Fletcher@lawcouncil.asn.au

Dear Dr Popple,

Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023

The Law Society appreciates the opportunity to contribute to the Law Council's submission to the Senate Legal and Constitutional Affairs Legislation Committee's review of the *Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023 (Bill)*. The Law Society's Human Rights Committee has contributed to this submission.

The Law Society supports the establishment of the Australian Anti-Slavery Commissioner (**Commissioner**). We are satisfied that the Bill provides adequately for the independence of the Commissioner, noting that the Commissioner's remuneration is set by the Remuneration Tribunal, there are limited circumstances which may lead to the termination of the appointment, and the Commissioner is required to publicly report on their activities. Further, we consider the appointment process proposed in the Bill is satisfactory.

We note that the Government continues to consider the additional recommendations made following the statutory review of the *Modern Slavery Act 2018 (Cth) (Act)* last year, including those directed to strengthening oversight through the introduction of penalties for entities that fail to comply with reporting or due diligence obligations. We support these recommendations, and, if introduced, we suggest that the Commissioner's role should go beyond providing education and compliance support to encompass investigative, enforcement and complaint resolution functions.

We note that the Government has committed \$8 million over four years to support the Commissioner's establishment and operations. If the recommendations of the Statutory Review are to be fully enacted, including a reduction in the reporting threshold, this funding envelope may prove inadequate for the Commissioner to adequately address the breadth of work arising under the Act.

Thank you for the opportunity to contribute. Questions at first instance may be directed to Sophie Bathurst, Policy Lawyer, at (02) 9926 0285 or sophie.bathurst@lawsociety.com.au.

Yours sincerely,

Brett McGrath
President