



Date: 18 January 2024

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100, Parliament House  
Canberra ACT 2600  
Submission to: [legcon.sen@aph.gov.au](mailto:legcon.sen@aph.gov.au) and via [MyParliament](#)

Dear Committee Secretary,

**Re: Submission to the Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023**

Better Sydney welcomes the opportunity to provide a submission to the Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023, and thanks the Attorney-General's Department and the team at the Senate Legal and Constitutional Affairs Committee for their engagement during this fleeting consultation period.

**About Better Sydney**

As a leading Australian advisory firm, Better Sydney provides training, enables collaboration, and supports best practice around sustainable supply chains, human rights and modern slavery solutions to help organisations work better, including:

- Better education around environmental, social and economic sustainability in line with the UN Sustainable Development Goals.
- Better training and upskilling to turn policies and commitments into practical actions that focus on solutions.
- Better collaboration, risk mitigation and resilience for staff, clients, peers, suppliers and sub-contractors.
- Better analysis, assessment, benchmarking, feedback, policies, statements, reporting and verification.

Over the past decade we have supported eleven different sector collaborations, including the Property Council of Australia's Human Rights and Modern Slavery Working Group and the Australian Legal Sector Alliance Modern Slavery Collaboration, to engage and develop sectors around human rights and modern slavery improvements. Our CEO, Robin Mellon, was a member of the Australian Government's first Modern Slavery Advisory Committee (2018/9), working with the Business Engagement Unit in the creation of the 'Guidance for Reporting Entities', and is a Director of the UN Global Compact Network Australia.

**Support for human rights and action on modern slavery**

Better Sydney has played an active role over the past five years in designing, delivering and implementing best practice initiatives tackling modern slavery risks across property and construction sector supply chains in particular, and appreciates the engagement to date with the Attorney-General's Department and Business and Government



Engagement Section within the Modern Slavery and Human Trafficking Branch of the Attorney-General's Department. Better Sydney has considered the Modern Slavery Amendment (Australian Anti-Slavery Commissioner) Bill 2023 and provides responses on three specific areas:

- a) Supporting the establishment of an Australian Anti-Slavery Commissioner
- b) Ensuring a properly resourced Anti-Slavery Commissioner and team
- c) Providing open and direct engagement with business around due diligence through a truly independent Anti-Slavery Commissioner.

#### **a) Supporting the establishment of an Australian Anti-Slavery Commissioner**

Better Sydney supports the creation of a statutory role for an Australian Anti-Slavery Commissioner, modelled on strongly supported elements of the UK Commissioner's role, and has done since initial discussions and submissions about the Modern Slavery Act 2018 (Commonwealth). The creation of a new statutory role for an Australian Anti-Slavery Commissioner is distinct from the role of 'Independent NSW Anti-slavery Commissioner', as provided for in the NSW Modern Slavery Act, which is an executive-level public servant with a focus that includes NSW public procurement efforts, and may lack the same degree of independence of the role prescribed in the UK.

In particular, the Australian Anti-Slavery Commissioner role should:

- have no responsibility regulating business compliance with reporting requirements, but rather focus on providing advice and support to business, in the role of 'critical friend', as organisations progress in implementing policy responses; consideration should be given to how the Commissioner might try to address business / sector / industry failures over time, concentrating on improving areas of weakness.
- work with, but separate to, the Business Engagement Unit within the Attorney-General's Department to advise business on what to do if they suspect they might have slavery in their supply chains. On this basis, the appointee would have special expertise in identifying and responding to slavery and exploitation in supply chains.
- lead in implementing a community engagement strategy to educate the public about the new legislation, particularly as it relates to fostering a culture of safety for business reporting on risks of modern slavery in supply chains.
- provide new leadership in reviewing areas of strength and development under the current National Action Plan (NAP) and lead the development of Australia's next NAP. This leadership should include extensive consultation with members of the National Roundtable on Trafficking and Slavery as well as other stakeholders across the country, whilst remaining independent and apart from government or political decisions.

#### **b) Ensuring a properly resourced Anti-Slavery Commissioner and team**

It is noted that, within the 2023-2024 Budget, "The Government will establish a new unit within the Attorney General's Department to scope options to establish an Anti-Slavery Commissioner to work with business, civil society and state and territory governments to support compliance with Australia's Modern Slavery Act 2018 and address modern slavery in supply chains", and this will need to be sufficiently supported, funded, resourced and encouraged in order to be effective and successful. It is vital that the



necessary resources are provided to enable increased training, collaboration and engagement with businesses of all sizes, as increased engagement is essential.

Recent discussions with multiple sector and industry collaborations, about key areas of modern slavery risk, indicate that the Anti-Slavery Commissioner will also need to be supported in their work by other government agencies. Many issues, and some of the more serious and emerging risks of harm to people, may involve not just individual organisations or sectors but geopolitical concerns, and so although the Commissioner will need to play an important role in mapping out approaches to these risks, they will need to work with other agencies and departments to do so and to enable effective action and collaboration.

### **c) Providing open and direct engagement with business around due diligence through a truly independent Anti-Slavery Commissioner**

The appointment of an Australian Anti-Slavery Commissioner complements the appointment of the new UK Anti-Slavery Commissioner, Eleanor Lyons, but the role must be clearly independent of government, something that has impacted the effectiveness of the UK appointment. It is important that the Australian Anti-Slavery Commissioner be truly independent in order to play the role of 'critical friend' to business and support the continuous improvement set out in the Modern Slavery Act 2018 (Commonwealth).

In this way, the Anti-Slavery Commissioner can work constructively with stakeholders and build on the progress that has been made since the Modern Slavery Act 2018 (Commonwealth) was introduced, with commitment to a victim-centric approach ensuring that survivors' experiences can inform and accelerate meaningful change.

In addition, support for a stronger due diligence framework in the Modern Slavery Act was clear from consultations during the Review of the Act. This necessitates a clarity in the Anti-Slavery Commissioner's work supporting Australian entities and entities carrying on business in Australia to undertake systematic due diligence processes to address modern slavery practices in their operations and supply chains, as well as in the operations and supply chains of entities they own or control.

### **Engagement and collaboration**

We look forward to engaging with the Attorney-General's Department on the Recommendations from the Review of the Modern Slavery Act 2018 (Commonwealth), and subsequent consultations about continuous improvement of the Act and related metrics. Please contact us by return of email with any questions about this submission.

Yours sincerely,

Robin Mellon  
Chief Executive Officer  
Better Sydney  
[www.bettersydney.com.au](http://www.bettersydney.com.au)