



ACT GREENS FACT SHEET

ACT LEGISLATIVE ASSEMBLY

EMBARGOED UNTIL 12:01AM, 28 MARCH 2023

28 March 2023

Let's end modern slavery in the ACT

Jo Clay's Modern Slavery Amendment Bill 2023 – Overview

The Modern Slavery Amendment Bill 2023 has been developed by Jo Clay MLA. The current bill has been informed by the NSW Modern Slavery legislation, both what was originally tabled and what was ultimately passed. The NSW Bill was the first in the country for any jurisdiction and remains the only subnational jurisdiction with this type of legislation.

The ACT Bill has been further refined and includes additions based on meetings with stakeholders including academics, religious groups, advocacy organisations, charities, members of the ACT Human Rights Commission, the ACT Auditor-General, NSW Members of Parliament and those involved in the NSW Interim Commissioner. The ACT Bill works alongside the Commonwealth legislation.

The intent of the bill is to be a first step in ensuring that ACT laws can effectively respond to modern day slavery. This was a shared legislative reform set out in the 10th Assembly Parliamentary and Governing Agreement.

We acknowledge that this is an evolving area of legislation both in Australia and internationally and that the response to this issue will need to evolve over time. The Bill establishes a Commissioner who can review the legislation, as well as the Government response to the issue; this was important to enable the policy response to evolve over time. The Clay Bill has three main elements which will affect five core changes.

ACT Government

The ACT Government will have additional requirements placed upon it to ensure that it is playing its part in responding to modern day slavery.

The primary new obligations upon the ACT Government will be:

1. ACT Government Directorates and territory entities will be required to submit voluntary modern slavery statements to the Commonwealth, as is currently the obligation for private companies with turnover of more than \$100 million, the Commonwealth Government, and NSW state owned corporations.
2. The ACT Government will have additional obligations within the *Procurement Act* to have regard to modern day slavery for ACT Government procurements and 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.

ACT Human Rights Commission (Anti-Slavery Commissioner)

The ACT Human Rights Commission will be expanded to include an Anti-Slavery Commissioner. The Commissioner's functions will include advocacy in combatting modern slavery, acknowledging, protecting and promoting the rights of victim survivors of modern slavery and monitoring and reporting on the risks of modern slavery happening in the ACT and the supply chains of the ACT Government.

Businesses which tender to the ACT Government or territory entities

Businesses which tender to the ACT Government or territory entities will have two requirements placed upon them, depending on the size of the business.

1. Businesses which are a reporting entity under the Commonwealth *Modern Slavery Act* which have failed to comply with the *Commonwealth Modern Slavery Act 2018* section 13 or section 14, will be unable to tender to the ACT Government. There are thresholds and exceptions to this.
2. All businesses regardless of size which would like to tender to the ACT Government for a tender of a value greater than \$25,000 will be required to provide information about the risk of modern slavery happening in the supply chains for the goods, services or works being procured and how the tenderer will mitigate or address those risks.