

Australian Greens additional comments

1.1 The Australian Greens acknowledge the extensive work of the Committee in this inquiry, and thank everyone who made a public submission and/or public representation.

1.2 The Australian Greens welcome the key recommendations in the report and strongly support legislating to create an anti-slavery framework in Australia.

Anti-Slavery Commissioner

The Australian Greens strongly support the appointment of an independent statutory anti-slavery commissioner. As STOP THE TRAFFIK submitted:

...the issue of modern slavery is not addressed by one Government department alone.¹

1.3 Importantly, an independent statutory anti-slavery commissioner is crucial to oversee some of the Committee's and Australian Greens' recommendation on the bill.

Review of the Act

1.4 The bill provides for a review of the Modern Slavery Act three years after commencement. This review would be best conducted by the independent statutory anti-slavery commissioner. However, the Australian Greens believe this should be an ongoing three-yearly review, as a continual improvement process.

Recommendation 1

1.5 That the Act be reviewed on a regular and ongoing three-yearly basis by a statutory anti-slavery commissioner.

Threshold for Compliance

1.6 The Australian Greens believe the \$100 million threshold, given the resourcing allocated, is adequate for the Act's implementation. However, lower thresholds and targeting of businesses in high-risk industries regardless of annual turnover are preferable in the medium and long term, and should be considered in the Act's first three year review.

1.7 A review of the Act's threshold and targeting of high-risk industries must also include a review of appropriate and commensurate resourcing of any changes made.

Penalties

1.8 The Australian Greens support the views of a number of submitters who argued that the first three years should be without penalties, with the focus instead on developing capacity and buy-in from businesses. However, penalties should be considered in the Act's first three-year review, and revisited in subsequent reviews.

1 *Submission 48*, p. 6.

Recommendation 2

1.9 That the first three-yearly review of the Act consider lower thresholds, targeting of businesses in high-risk industries regardless of annual turnover, appropriate and commensurate resourcing of the Commission, and penalties for non-compliance.

Public Register and Reporting

1.10 The Act should provide for an online public register of compliance statements. Compliance, whether compulsory or voluntary, should be something businesses aspire to, and can be held to account over. This will promote engagement from ethical consumers and consumer activists, which in turn will positively influence market behaviour.

Recommendation 3

1.11 The Act should include a public register of compliance for entities over the reportable threshold that provides for real-time online analysis of the data to the public.

Government Tenders

1.12 The Australian Greens support Save the Children's recommendation that there is:

...a requirement that entities over the reportable threshold to comply with the legislation in order to tender for government contracts.²

1.13 Governments needs to lead by example when it comes to modern slavery, and ensure their own supply chains are as compliant as those in the private sector legislated by this Act.

Recommendation 4

1.14 That it be a requirement in the Act that entities over the reportable threshold comply with the Act to be eligible to tender for government contracts.

Victim Support and Compensation

1.15 Several submitters have called for the Act to include a national compensation scheme for victims of modern slavery. Although compensation is traditionally covered by state legislation, and the focus of this bill is on transparency and accountability, the Greens believe this argument has great merit, and is not without precedent, as submitted by Ms Fiona McLeod SC.³

1.16 Consideration of a national compensation scheme should be the next priority consideration for the Australian Parliament regarding modern slavery. Part of this consideration would include whether a victim support scheme would sit under the Modern Slavery Act, or under other Commonwealth legislation such as the Social

2 *Submission 28*, p 2.

3 See *Submission 3*.

Security Act, which includes compensation schemes such as Australian Victim of Terrorism Overseas Payments.

Recommendation 5

1.17 That the Parliament consider the need, scope, and application of a national victim support and compensation scheme as the next tranche of modern slavery legislation in Australia.

Senator Nick McKim

Australian Greens