

Early reflections as the NSW Anti-slavery Commissioner

Remarks at the Ministerial Meeting of the National Roundtable on Human Trafficking and Slavery

7 December 2022, National Portrait Gallery, Canberra

Chair,

Attorney-General Dreyfus,

Secretary Jones,

Members of the National Roundtable,

Members of the pilot Survivor Advisory Council,

Thank you for this opportunity to offer some early reflections as the NSW Anti-slavery Commissioner.

I am privileged to be in this role.

I am here because of the hard work of many who have come before me, such as Professor Jennifer Burn, who served as Interim Anti-slavery Commissioner in NSW before me, and so many others who have led the fight against slavery in this country in recent decades.

I acknowledge all that they – all that *all of you* – have achieved.

And I acknowledge that we meet today on unceded Ngunnawal country. I acknowledge elders past and present, and First Nations people with us today.

To acknowledge First Nations country and elders is to acknowledge First Nations' survival – survival of policies and practices that today we call modern slavery – forced labour, servitude, sexual servitude, the worst forms of child labour, forced marriage.

And it's not only First Nations peoples who live with these legacies in contemporary Australia.

Government sources acknowledge that between 1863 and 1904, over 62,000 Pasifika people were trafficked to northern NSW and southern Queensland for their labour.¹

Research overseas tells us that forced labour and human trafficking on this scale create measurable intergenerational legacies.

We know that, in fact, it leaves us *all* worse off.

Human trafficking and slavery create 10 measurable drags on economic and social development:

- reducing productivity across the economy,
- breeding poverty,
- entrenching inequality,
- weakening economic multipliers,
- discouraging innovation and competition,
- distorting capital markets,
- weakening both the fiscal position and governance,
- encouraging corruption and criminality,
- and even increasing environmental harm.

So why does slavery endure? Why do we tolerate it?

All of you here know the answers.

Because it enriches some and makes goods cheap for others.

Because it's hard to find and harder to prosecute.

Because it's hidden from the view and consciousness of the public and public policy makers.

Modern slavery is in that sense a *system* failure.

A system that tolerates modern slavery actually leaves us *all worse off*.

Using research from the UK Home Office, we can estimate the resulting cost: here in Australia, it's likely to be at least 875 million dollars.ⁱⁱ

International Monetary Fund researchers found that ending child marriage would add on average 1.05 per cent to a country's GDP.ⁱⁱⁱ

And another analysis suggests for every dollar spent on preventing child sexual exploitation there is a \$16.75 return.^{iv}

But modern slavery is also a system failure in another sense: a failure to spot vulnerability and prevent it becoming victimisation.

People who experience modern slavery typically interact with the immigration system, the family and social services system, the financial system, the legal system, the healthcare system as they are being coerced, manipulated, groomed, or tricked into modern slavery.

So addressing system failure means enlisting all these parts of the system as more effective prevention and protection mechanisms.

That is, at its heart, what my role as Anti-slavery Commissioner is all about: joining up capabilities across the system to deliver better outcomes for people.

In the short time I've been in this role, since 1 August, I've seen some fantastic opportunities to do that – and also some real challenges. I want to use my time today to share a little about both these opportunities and these challenges.

First, the opportunities.

The legislation that established this role of Anti-slavery Commissioner sets out a long list of advocacy, awareness-raising, advisory, procurement and victim support functions for the Anti-slavery Commissioner.^v

The first order of business has been to understand how to use these functions to add value to our existing capabilities, and to reach people at risk and in harm's way.

Active listening has therefore been the first order of business.

Since August I've met face to face with over 2,000 people around NSW, including whistleblowers, experts, and survivors hailing from Sydney to Xinjiang.

We're currently running a public consultation through the NSW government portal, *Have Your Say*, which you are welcome to feed into.^{vi}

All of this is feeding into the strategic plan I am obliged to develop by the *Modern Slavery Act (2018)*, which will set out our strategy for the next 3 years.

Second, I've been prioritising public procurement.

Since 1 July 2022, NSW government agencies and local councils have been obliged to take reasonable steps not to procure products of modern slavery, whether goods or services.

The Act sets up oversight roles for myself, the NSW Auditor-General and the NSW Procurement Board, to govern these reasonable steps and ensure they are effective. This includes me reporting annually to NSW Parliament and publishing a register of entities not meeting their obligations.

I am now working with the Procurement Board to establish a shared implementation framework aligned with the Commonwealth National Action Plan and Australia's international commitments under the UN Guiding Principles on Business and Human Rights and the OECD Guidelines for Multinational Enterprises.

This framework will include materials, guidance and training.

And I have begun signalling to NSW government entities where products are at high risk of being made with modern slavery, such as Xinjiang cotton and solar products, or certain healthcare products.

Given that NSW is the 7th largest economy in Asia, and the NSW government is the second largest procurer in the domestic economy, this is a big opportunity to promote anti-slavery along a range of value-chains.

Of course, it would have even more effect if there were alignment with efforts in other jurisdictions.

So I am grateful to Assistant Secretary Finney for the recent invitation to share this work with the Intergovernmental Network on Modern Slavery in Public Procurement, and for engagement from the Australasian Procurement and Construction Council.

Third, I have begun using other powers available to me under the NSW Act to begin encouraging integration of anti-slavery objectives into the routine work of other actors in the system.

I have opened a dialogue with NSW Health about how to ensure their clinical, diagnostic, treatment and public health systems identify signs of modern slavery and provide people the trauma-informed care they need.

My office is working with public and private investors and a major global tech company to figure out if we can give capital markets reliable, cheap access to firm-level modern slavery risk estimates, so that investors have no excuse for not pricing modern slavery risks into their decision-making.

And I have commenced discussion with industry about the power I am afforded by the *Modern Slavery Act 2018* (NSW) to issue 'codes of practice'.

So there is a lot happening and many exciting opportunities.

But we also need to be honest about the challenges we face. Three in particular have stood out to me in my short time in the role: ambition; resourcing; and survivor leadership.

First, I think it remains an open question whether we have a clear strategy for creating the buy-in needed for system change.

We're not talking here about changing a niche "anti-slavery" system. The goal is much more ambitious than that.

It's much more like the goal of decarbonising the economy.

Both anti-slavery and climate action require changing the whole system to stop it producing unintended negative externalities.

It has taken time to move climate action from the margin to the mainstream.

How are we going to do that for anti-slavery?

How do we change the narrative so this is not a niche issue about morally outrageous practices whose costs fall on victim groups that the media persists in representing as exotic, if pitiable, others?

How do we make clear that modern slavery actually imposes real economic and social costs on us all?

Do we truly have the ambition to set about strategically enlisting not only the public, but also policy makers, the press and profit-makers, towards this shared goal, as climate campaigners have?

And it's not just climate campaigners.

We should be reflecting on the significant cultural and system shifts now under way in Australia around issues adjacent to modern slavery, such as sexual violence and coercive control, domestic and family violence. Do we have the ambition to replicate those kinds of shifts?

Second, we need to be honest that we face a challenging fiscal environment. But that means we just need to get even more serious about resourcing this work.

Yes, that means that the sector needs clearer, longer-term funding support from government.

We need dedicated budget lines for this work, and multi-year funding commitments that reward not only innovation but also reliable, routine service provision.

We need governments to be serious about investing in their own capabilities, to unlock productivity gains, and other benefits such as more resilient supply-chains.

In NSW, for example, the law requires government agencies and local councils to integrate modern slavery into procurement. We are going to have to have a discussion about resourcing the training that will be needed across government to make that effective.

But we also need to think about how we can unlock other resources.

Corporate Australia is spending millions of dollars on glossy *Modern Slavery Act* reporting, and only a fraction of that on survivor support and remediation. Can we change that?

Could the sector take a leaf out of the book of the Brazilian equivalent to this roundtable, and develop a collaborative approach to fundraising, putting a direct ask to corporate Australia?

A tight fiscal environment might be a challenge, but it could also be an opportunity for collaboration and innovation. Necessity is the parent of invention.

Third, and finally, because we are all so used to the status quo, I think we also face a challenge in imagining what a different system-state might look like, once we change the system.

For me, one of the crucial points of differentiation would be where survivors fit into the system, something we will hear more about during the course of the day today.

Instead of survivors being treated as passive beneficiaries of charity and largesse, or as story-telling resources that can be exploited to unlock public sympathy or funding, survivors would be agents in the system.

That, to me, is what survivor leadership is all about. It doesn't mean survivors have to be the voice or the face of the system, though this can be incredibly powerful. It means that they shape and influence the system, perhaps sometimes "leading from behind".

I am committed to trying to explore and foster this approach in New South Wales, but I readily admit that this will be a challenging journey.

So – my early reflections as New South Wales Anti-slavery Commissioner are that we have both major opportunities and significant challenges ahead of us.

That is perhaps how it has always been in this field of work.

But with the NSW Act in force, the Commonwealth Act under review, and other pieces in motion, now seems like a great moment to be ambitious about what we can achieve.

I am convinced we will achieve more if we work together. This Roundtable is critical to that.

Thank you for the chance to share these thoughts. I look forward to productive discussion with all of you and to working with you in months and years ahead.

Notes

ⁱ Mark Dunn. *Benjamin Boyd's role in 19th Century Blackbirding in the Pacific for Labour in New South Wales Historical Analysis and Evaluation Report*, Prepared for NSW National Parks and Wildlife Service, May 2021. Available at <https://www.environment.nsw.gov.au/-/media/OEH/Corporate->

[Site/Documents/Parks-reserves-and-protected-areas/Parks-management-other/ben-boyd-blackbirding-evaluation-report.pdf](#). See also Tracey Flanagan, Meredith Wilkie, Susanna Iuliano, Australian South Sea Islanders: A century of race discrimination under Australian law. The role of South Sea Islanders in Australia's economic development (Australian Human Rights Commission, e-Race Archives, 1 January 2003. Available at <https://humanrights.gov.au/our-work/race-discrimination/publications/australian-south-sea-islanders-century-race#1>

ⁱⁱ These vary from roughly 1,500 to roughly 15,000: see S. Lyneham, C. Dowling and S. Bricknell, *Estimating the dark figure of human trafficking and slavery victimisation in Australia*. Statistical Bulletin no. 16 (Canberra: Australian Institute of Criminology, 2019), available at <https://www.aic.gov.au/publications/sb/sb16>.

ⁱⁱⁱ Pritha Mitra, Eric M. Pondi Endengle, Malika Plant and Luiz F. Almeida, "Does Child Marriage Matter for Growth?", IMF Working Paper, WP/20/27, Washington, D.C., February 2020.

^{iv} See Project Paradigm, *National Project to Address Child Sexual Exploitation*, 2022, p. 4; and see E. Smeaton and M. Franks, *Best Practice in the Commissioning and Delivery of Emergency Accommodation in Scotland for Children and Young People Who Run Away* (Edinburgh: Scottish Government, 2011).

^v See *Modern Slavery Act 2018* (NSW) s. 9.

^{vi} See <https://www.haveyoursay.nsw.gov.au/fighting-modern-slavery>.