

## NEW LEGISLATION TARGETING MODERN SLAVERY PASSES NEW SOUTH WALES PARLIAMENT

*The Modern Slavery Act 2018* (NSW) passed through New South Wales Parliament on 21 June 2018 and will commence at a date to be announced.

The legislation places new requirements on large companies to publish supply chain information and imposes significant penalties on companies, which fail to prepare and publish such information or provide false or misleading information in relation to the same.

“Modern slavery” is defined as committing, attempting to commit, or inciting certain offences under the *Crimes Act 1900* (Cth), *Human Tissue Act 1983* (Cth) and *Criminal Code Act 1995* (Cth), and includes activities such as slavery, servitude, forced labour, human trafficking, debt bondage and sexual servitude.

The NSW Legislation applies to commercial organisations, which:

- have a total turnover of \$50 million or greater, in a financial year;
- have employees in New South Wales;
- supply goods and services for profit or gain; and
- are not a New South Wales Government Agency.

Commercial organisations that meet this description will, each year, be required to publish a publicly-accessible modern slavery statement. These modern slavery statements are to set out the steps that affected commercial organisations are taking to ensure that their goods and services are not a product of supply chains involved in modern slavery.

Further, the Regulations to the *Modern Slavery Act 2018* (NSW) will prescribe how these modern slavery statements must be published and their contents, including:

- the commercial organisation’s structure, business and supply chains;
- the commercial organisation’s due diligence processes used, in respect of their business and their supply chains;
- any risk areas within the commercial organisation and their responses to assess and manage those risk areas; and
- any training available to employees in relation modern slavery.

It is paramount that commercial organisations meet these new obligations.

Failing to publish a modern slavery statement or providing false or misleading information in connection with a modern slavery statement may result in penalties of up to \$1.1 million.

Lastly, the *Modern Slavery Act 2018* (NSW) will also establish an “Anti-slavery Commissioner”, who, among other things, will be responsible for maintaining a public register that records any disclosure of the incidence, or possible incidence, of modern slavery in a commercial organisation’s supply chains.

It should also be noted that the Commonwealth Government has plans to introduce legislation to cover the issue of slavery in supply chains at a Federal level, which would see this area covered across Australia.