

Response to Questions on Notice from the Social Affairs Committee, July 2024

Procurement Practices of Government
Agencies in New South Wales and its
impact on the social development of
the people of New South Wales

29 July 2024

Acknowledgement of Country

As New South Wales Anti-slavery Commissioner, I acknowledge that Aboriginal and Torres Strait Islander peoples are the first peoples and traditional custodians of Australia and the oldest continuing culture in human history.

I acknowledge that First Nations communities in New South Wales have survived practices that today we call modern slavery. The legacies of that treatment continue to affect Aboriginal and Torres Strait Islander people today, and through them affect the New South Wales community and economy.

My Office and I pay our respects to elders past and present and commit to respecting the lands we walk on, and the communities we walk with.

We celebrate the deep and enduring connection of Aboriginal and Torres Strait Islander peoples to country and acknowledge their continuing custodianship of the land, seas and sky. We acknowledge their ongoing stewardship and the important contribution they make to our communities and economies.

We reflect on the continuing impact of government policies and practices and recognise our responsibility to work together with and for Aboriginal and Torres Strait Islander peoples, families and communities, towards improved economic, social and cultural outcomes, self-determination and for real freedom.

We advise this resource may contain images, or names of deceased persons in photographs or historical content.

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Question on Notice from the Hon. Damien Tudehope requesting reports to date identifying reasonable suspicion of breaches of modern slavery requirements

Question:

The Hon. DAMIEN TUDEHOPE: In any of their reports you've seen to date, have any identified reasonable suspicion of breaches of modern slavery requirements?

JAMES COCKAYNE: There's only a very small number that have reported to date because of the way the cycles work. There's a small number that report in April and then most will report between July and October. The ones reporting in April are universities that happen to be captured, and some of them do indeed address modern slavery risks in quite a lot of detail.

The Hon. DAMIEN TUDEHOPE: In circumstances where they've identified a risk?

JAMES COCKAYNE: I'd have to take that on notice.

Response:

Most of the entities that have reporting obligations relating to modern slavery due diligence have not yet completed their annual reporting cycle, since the publication of the Commissioner's *Guidance on Reasonable Steps* in 2023.

18 organisations have reported since then. [Figure 1](#) below shows how many reports discussed risks relating to specific supply-chains.

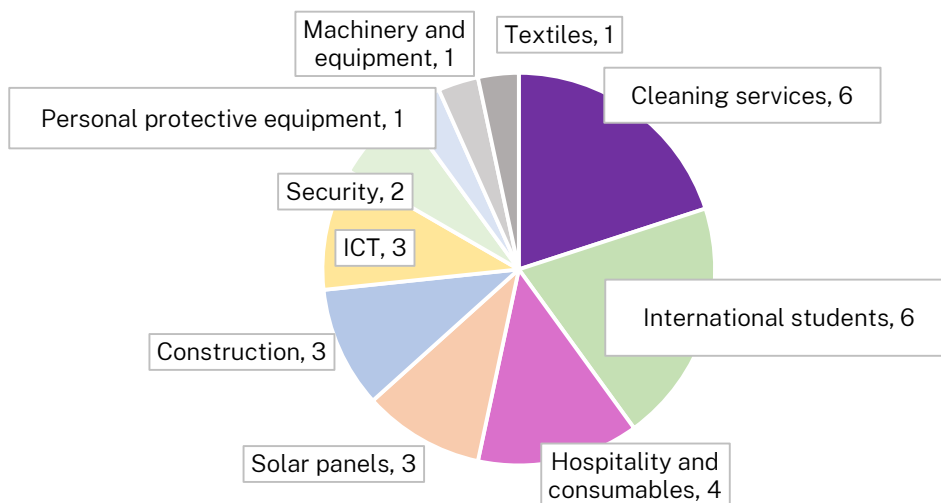


Figure 1: Discussion of modern slavery risks by value-chain, in reports submitted January to July 2024.

Two reports discussed specific allegations of modern slavery incidents. Hunter Water discussed a forced labour allegation related to Tier 2 and Tier 3 suppliers that supply gloves to a Tier 1 supplier of Hunter Water. Sydney Water reported on a possible incident of modern slavery in their supply-chain, which they determined not to be validated.

Question on Notice from the Hon. Damien Tudehope regarding additional funding in the recent budget

Question:

The Hon. DAMIEN TUDEHOPE: One of your recommendations — and this goes to Ms Boyd's point — was relating to a need to fully finance the commissioner's monitoring function under section 9 (1) (e) of the Modern Slavery Act. Did you receive any additional funding in the recent budget?

JAMES COCKAYNE: No.

The Hon. DAMIEN TUDEHOPE: Did you put in a budget bid for additional funding for that?

JAMES COCKAYNE: That may be Cabinet in confidence. I'd have to take that on notice.

Response:

This information is cabinet in confidence.

Question on Notice from the Hon. Damien Tudehope regarding budget needs for a fully funded monitoring function

Question:

The Hon. DAMIEN TUDEHOPE: That's perceptive. How much additional funding would you say you need?

JAMES COCKAYNE: To do what, Mr Tudehope?

The Hon. DAMIEN TUDEHOPE: You want to have a fully funded monitoring function as part of your office.

JAMES COCKAYNE: I'll take that on notice, Mr Tudehope.

Response:

The role of NSW Anti-Slavery Commissioner is a relatively new one. The budgetary needs of the Commissioner to discharge his various statutory functions, including the function under section 9(1)(e), are still coming into focus, as the operational requirements of these functions rapidly evolve. While the Commissioner would welcome additional funding to support this monitoring role, and to support the due diligence and reporting activities of public entities being monitored, the exact requirements remain a matter of continuing consideration and discussion with a range of government entities.

The Commissioner has convened a Working Group of government entities to develop a Shared Implementation Plan between now and June 2025. The aim is to develop an agreed plan to implement the *Guidance on Reasonable Steps* issued in December 2023. This should allow government agencies and the Commissioner to identify synergies and efficiencies in implementation and help to clarify the resourcing needs of reporting entities and of the Anti-slavery Commissioner.

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