

## MOE'S RESPONSE QUESTION ON NOTICE RESPONSE

**The CHAIR:** Can I just follow on from those comments that you made, particularly in regard to the reasonable steps? Because I think this is quite important. As you have indicated, there have been requirements for some years for large companies to report and these reports are available. Similar requirements have been operational in the UK for some time and they've recently reviewed their Act and the House of Lords committee has recommended that they actually need to now lift from reporting into due diligence and accountability around that. In fact, they have been quite disappointed in the effectiveness of just the reporting. It's a bit hard for us to say here, but I think what you've said is that the reasonable steps that the Anti-slavery Commissioner has outlined in terms of the procurement for New South Wales government agencies do provide a very robust description of due diligence. You would agree with that?

**The CHAIR:** That certainly was my impression from the recent conference that I attended. When I compared the discussions there with what had been produced here, frankly it was quite impressive what the Anti-slavery Commissioner and the team had come up with.

**MOE TURAGA:** Absolutely.

**The CHAIR:** Obviously reporting by New South Wales government agencies has just started, but it will be important to monitor how successfully they do apply those principles. It will take some time. Is it your evidence that this description of due diligence, this application of these steps is a critical component now in furthering this issue or furthering action on this cause?

**MOE TURAGA:** I would like to take that question on notice and reply to you in writing, if that's okay. It's a big one and I need to get the facts.

**The CHAIR:** I apologise we didn't flag it ahead of time.

**MOE TURAGA:** That's okay.

**The CHAIR:** But you did raise the issue of reasonable steps and I think that is an important part of consideration and awareness raising.

**MOE TURAGA:** Absolutely, yes.

**The CHAIR:** Thank you for your evidence. The secretariat will contact you in relation to any questions on notice.

## RESPONSE

The NSW Guidance on Reasonable Steps published by the Office of the NSW Anti-slavery Commissioner is the most comprehensive set of guidelines for reporting entities I or anyone I work with is aware of.

The NSW GRS is much more comprehensive than the Australia Government's Guidance to reporting entities under the Federal Modern Slavery Act.

In relation to the effectiveness of reporting vs due diligence or accountability measures, I believe this is an issue that NSW regulators need to monitor closely and consider as part of your schedule of regular legislation reviews.

For me, the ultimate aim of all compliance needs to be to create an operational environment in which modern slavery and extreme labour abuses cannot exist.

From the perspective of people with lived experience of modern slavery, that can't happen soon enough, and no organisation should feel comfortable to have modern slavery in its operations or supply chains.

However, I recognise that building a mature compliance culture to achieve that will take a lot of time and effort.

I think resourcing for the Office of the NSW Anti-slavery Commissioner to engage with reporting entities to drive due diligence and improve their compliance with the GRS will be important. In my understanding from being part of the Catholic response in supply chains we don't really see how government procurement practices to manage modern slavery risks have changed.

A number of anti-slavery advocates argue for financial penalties for non-compliance with reporting obligations, or for the ability for oversight bodies to be able to direct reporting entities to correct their statements.

Personally, I don't have a view one way for the other on how effective such measures might be. Organisations who don't comply or comply poorly with reporting guidelines are already at risk of being identified by their statements published on the public register.

Ultimately, I want organisations to engage in reporting because it's easy, it's effective, and because it is the right thing to do, not just because it protects their public image.