

20 June 2018

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Dear Mr Speakman,

RE: NSW Modern Slavery Bill

Please see feedback on the NSW Modern Slavery Bill below, for your consideration.

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Introduction

1. Australian Lawyers for Human Rights (**ALHR**) applauds the spirit of the initiative of the New South Wales Parliament taking steps to address issues of modern slavery in New South Wales (**NSW**). It is exciting that NSW seeks to be a leading jurisdiction in combatting modern slavery, both in Australia and internationally.
2. However, ALHR is concerned that if the NSW supply chain reporting requirement proposed by the NSW Bill is not backed by sufficient Government resources for education, benchmarking, compliance monitoring and enforcement, it will be ineffective.
3. In addition, in ALHR's view, any NSW modern slavery supply chain reporting criteria should be harmonised, to the extent appropriate, with the federal modern slavery supply chain reporting criteria, which is expected to be introduced to the Commonwealth Parliament in mid-2018 (the **Cth Bill**). Assuming effective supply chain reporting is introduced at Commonwealth, harmonisation of the reporting criteria would go some way to avoiding unnecessary complexity in Australia's new modern slavery regulatory landscape. Therefore Commonwealth Government should be allowed an opportunity to enact an effective, national supply chain reporting regime before the criteria state-based supply chain reporting initiatives are finalised.
4. Some aspects of the NSW Modern Slavery Bill (the **NSW Bill**) passed the Legislative Assembly on 6 June 2018 and potentially duplicate (or near duplicate) proposals of the Cth Bill. In particular, the supply chain reporting requirements in clause 25, should be approached with caution. If they are pursued at this time, ALHR strongly recommends that the regulations that accompany the NSW Bill (contemplated at clauses 25(3)-(6)) ensure that the NSW supply chain reporting requirement is harmonised, to the extent possible, with the pending Commonwealth supply chain reporting regime.
5. ALHR is further concerned about the public register provided for in clause 27(1)(a) and (b) and about the hotline for victims (clause 12).
6. As outlined below, there are aspects of the NSW Bill that ALHR specifically endorses, such as an Anti-Slavery Commissioner for NSW, and measures to ensure NSW Government agency procurement is free from modern slavery.
7. ALHR's major recommendation is that there should be a formal consultation process on the content of the regulations accompanying the NSW Bill with a wide range of civil society and business stakeholders.

Context

8. The comments on the NSW Bill provided below should be understood in the context of the strong bipartisan support for a federal Modern Slavery Act for Australia. As you are no doubt aware, this political consensus follows a year-long Inquiry into a Modern Slavery Act in Australia¹ in 2017 (the **Inquiry**) by the Foreign Affairs and Aid Sub-

¹https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery

Committee of the Joint Standing Committee on Foreign Affairs, Defence and Trade (**Committee**).

9. The Inquiry involved extensive consultations with civil society and business stakeholders, nationwide. The Committee's recommendations following the Inquiry are detailed in the comprehensive *Hidden in Plain Sight* report.² The Inquiry and related prior advocacy has successfully established 'buy-in' from the business community around the recommendations for a federal Modern Slavery Act and the recommendations in the *Hidden in Plain Sight* report.
10. On 15 February 2018, Assistant Minister for Home Affairs Alex Hawke MP announced that the Federal Government intended to introduce a modern slavery bill by 'mid-year' and to pass it into legislation in 2018. The timing of the introduction of the Cth Bill to Federal Parliament by mid-2017 was re-confirmed in a further announcement on 10 May 2018 which also detailed the proposed supply chain reporting requirements intended to be included in the Cth Bill (discussed below).³
11. ALHR's view that supply chain reporting is best dealt with at the federal level is reflected in Recommendation 8 of the NSW Legislative Council's Select Committee on Human Trafficking's report "*Human trafficking in New South Wales*" tabled in October 2017, following last year's inquiry into human trafficking in NSW.⁴
12. Until the Commonwealth modern slavery legislation is introduced there are many issues, and, importantly, definitions that will make up the Commonwealth modern slavery regime (including the definition of 'modern slavery') that are not yet settled. These aspects of the Cth Bill will be the subject of scrutiny and enriched by commentary from advocates and stakeholders nationwide during the passage of the Cth Bill. ALHR notes that the NSW Bill has not had the benefit of such wide-ranging consultation.

Clause 25 Transparency of Supply Chain

13. As noted above, on 10 May 2018 the Federal Government announced details of its proposed supply chain reporting requirement.⁵ Those details include mandated annual reporting against set criteria, for entities carrying on business in Australia with a turnover of \$100 million or more, and a Government-run, publicly accessible, central repository of modern slavery reports.⁶
14. Clause 25(1)(b) of the NSW Bill proposes a similar supply chain reporting requirement for 'commercial organisations' with an annual turnover of not less than \$50 million and that have 'employees in the State'.

² Parliament of the Commonwealth of Australia, Joint Standing Committee on Foreign Affairs, Defence and Trade, *Hidden in Plain Sight: An Inquiry into establishing a Modern Slavery Act in Australia* (December 2017) https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/ModernSlavery/Final_report (*Hidden in Plain Sight* report)

³ The Hon Alex Hawke MP, Assistant Minister for Home Affairs, *Government strengthens Australia's response to modern slavery*, 10 May 2018, <http://minister.homeaffairs.gov.au/alexhawke/Pages/modern-slavery.aspx>

⁴ New South Wales Legislative Council, Select Committee on Human Trafficking in New South Wales, *Human trafficking in New South Wales*, October 2017, (page 31) <https://www.parliament.nsw.gov.au/committees/DBAssets/InquiryReport/ReportAcrobat/6118/Final%20report.pdf>,

⁵ *ibid*

⁶ Australian Government, Department of Home Affairs, *Fact Sheet: Modern Slavery Reporting Requirement*, <https://homeaffairs.gov.au/consultations/Documents/modern-slavery/modern-slavery-reporting-requirement.pdf>

15. The NSW Bill was amended in the NSW Legislative Assembly to only apply to commercial organisations that are not captured by the proposed Commonwealth supply chain reporting requirement (new clause 25(9)). ALHR welcomes this amendment. If the Commonwealth introduces a supply chain reporting requirement with a turnover threshold of \$100 million, under the NSW Bill, the NSW Parliament can make regulations for a NSW supply chain reporting requirement for 'commercial organisations' with employees in NSW and with an annual turnover between \$50 million and \$100 million.
16. ALHR also notes that clauses 25(1) and (3) to (6) of the NSW Bill provide that the details of the NSW supply chain reporting requirement will be provided for in regulations (including the information the annual statements must contain and the annual turnover threshold of commercial organisations that are required to report). ALHR welcomes the flexibility allowed for in the regulations in light of the concerns discussed below.

Recommendation 1:

17. ALHR **strongly** recommends there be a formal consultation process on the content of the regulations accompanying the NSW Bill with a wide range of civil society and business stakeholders.

Concerns regarding inconsistent reporting criteria

18. ALHR has significant concerns that the introduction of a state-based supply chain reporting criteria that does not reflect the Commonwealth supply chain reporting criteria (to an appropriate extent), is likely in practice to:
 - unnecessarily exacerbate the regulatory burden of supply chain reporting on the business community (both for entities reporting to the Commonwealth or the NSW Government, as well as for the smaller entities they have contracted, and who may be subject to different requests for information from reporting entities under different regimes); and
 - add unnecessary complexity to supply chain reporting in Australia, including for civil society stakeholders seeking to monitor compliance under modern slavery reporting requirements.
19. A major concern of business stakeholders during consultations for the Inquiry was avoiding inconsistent modern slavery reporting criteria across various jurisdictions.⁷ These concerns were also echoed by leading civil society stakeholders such as the Advisory Committee of the Modern Slavery Registry who submitted to the Inquiry that:

To help create a consistent global reporting regime, such legislation should improve on, while remaining broadly coherent and consistent

⁷ See for example submissions to the Inquiry from Adidas (page 7) https://www.business-humanrights.org/sites/default/files/adidasAdidas%20Group_Submission_Modern%20Slavery_Australian%20Parliamentary%20Inquiry_%207March%202017_0.pdf; ANZ (page 3) <https://www.business-humanrights.org/sites/default/files/ANZ%20Banking%20Group%20Ltd.pdf>; Australian Sporting Goods Association Inc (page 6) <https://www.business-humanrights.org/sites/default/files/Australian%20Sporting%20Goods%20Association.pdf>; BHP (page 3) <https://www.business-humanrights.org/sites/default/files/Sub%20178%20%281%29bhp.pdf>; The Business Council of Australia (page 4) <https://www.business-humanrights.org/sites/default/files/Business%20Council%20of%20Australia.pdf>; Fortescue Metals Group (page 10) <https://www.business-humanrights.org/sites/default/files/Sub%2059%20%281%29%20fortescue%20metals.pdf>; Marks & Spencer (page 2) <https://www.business-humanrights.org/sites/default/files/Sub%20159%20%281%29%20M%26S.pdf>; National Australia Bank (page 3) <https://www.business-humanrights.org/sites/default/files/Sub%2054%20NAB.pdf>; Nestle (page 14) <https://www.business-humanrights.org/sites/default/files/Sub%2065%20Nestle.pdf>; Qantas (page 2) <https://www.business-humanrights.org/sites/default/files/Qantas%20Group.pdf>; Rio Tinto (pages 1 and 5) <https://www.business-humanrights.org/sites/default/files/Sub%2078%20Rio%20Tinto.pdf>.

with, legislation that is in force or awaiting final parliamentary approval. This would help companies reporting under multiple regimes and avoid reporting fatigue by companies. Many responsible companies tell us that they want this floor of corporate behaviour, but they also want to avoid a “spaghetti soup” of incoherent national laws that would lead to increased reporting costs with no extra impact.⁸

20. Similarly, Anti-Slavery Australia submitted to the Inquiry that:

Corporations in support of a strong supply chain reporting requirement cited the need to harmonise reporting requirements across jurisdictions. This will simplify reporting processes for large organisations operating in multiple jurisdictions. ANZ Banking Group Ltd also observed that this would minimise the impact on smaller, downstream suppliers who may have to respond to different client’s audit requirements across national jurisdictions.⁹

21. In its August 2017 *Modern Slavery in Supply Chains Reporting Requirement: Public Consultation Paper and Regulation Impact Statement*¹⁰ the Australian Government explained that:

Where appropriate, the Australian Government proposes to adopt similar requirements to the UK model to minimise the need for the business community to comply with inconsistent regulation across jurisdictions.

Recommendation 2:

The regulations should harmonise the NSW supply chain reporting criteria with the pending Commonwealth supply chain reporting criteria (assuming they are effective), to the extent possible, taking into the account the nature of the entities caught by the NSW legislation.

Concerns regarding inconsistent modern slavery offences

22. Similar concerns around the NSW Bill creating unnecessary complexity in Australia’s nascent modern slavery landscape, arise in relation to the NSW Bill’s suite of ‘modern slavery offences’ in Schedule 3, that are different to those likely to be found in the Commonwealth modern slavery legislation. It is unclear what the NSW Bill is trying to achieve by incorporating into the NSW Bill’s definition of modern slavery offences:

- a. some Commonwealth modern slavery offences;
- b. similar existing NSW offences (but some with different elements and penalties); and
- c. some entirely new offences into the NSW Bill.

⁸ Advisory Committee of the Modern Slavery Registry (page 4), https://www.business-humanrights.org/sites/default/files/documents/Modern%20Slavery%20Registry%20Advisory%20Committee%20submission_Inquiry%20into%20establishing%20Modern%20Slavery%20Act%20in%20Australia.pdf,

⁹ Anti-Slavery Australia, (page 13) <https://www.homeaffairs.gov.au/consultations/Documents/modern-slavery/anti-slavery-australia.pdf>

¹⁰ Australian Government, Attorney-General’s Department, *Modern Slavery in Supply Chains Reporting Requirement: Public Consultation Paper and Regulation Impact Statement*, August 2017, (page 14) <https://www.ag.gov.au/Consultations/Documents/modern-slavery-in-supply-chains-reporting-requirement/modern-slavery-in-supply-chains-reporting-requirement-public-consultation-paper.pdf>

23. Given that some of the NSW 'modern slavery' offences outlined in the NSW Bill have penalties that are lower than the Commonwealth equivalent offences the rationale behind the inclusion of the NSW offences is not clear. This lack of harmonisation has the potential to add complexity for both business and civil society, given supply chain reporting regimes revolve around the definition of modern slavery.
24. This area is not the subject of regulation in the NSW Bill and will not be harmonised with the pending Commonwealth legislation. In addition, ALHR has further concerns about the proposed new section 91HAA in the *Crimes Act 1900* (NSW), discussed below.

Concerns around the possible \$50 million threshold for reporting

25. ALHR has significant concerns about the introduction of a low annual turnover threshold amount for reporting entities (such as \$50 million). This is not because ALHR is opposed to a lower turnover threshold, in principle. But the experience in the United Kingdom with the *Modern Slavery Act 2015* (UK) demonstrates that without appropriate funding for education of business and compliance monitoring by government and/or civil society, supply chain reporting becomes ineffective to the point where it is frequently considered voluntary or routinely ignored.
26. The Federal Government's current proposal is that the Commonwealth supply chain reporting regime should apply to entities with a turnover of more than \$100 million, which expect to be at a minimum of around 4,000 entities. A key reason that many civil society stakeholders, including ALHR, have not pushed for a lower turnover threshold is the recognition that unless the Commonwealth provides the significant resourcing required, the lower threshold risks being ineffective and counterproductive. The resourcing is needed for effective supply chain reporting regime includes education and awareness raising for business, benchmarking, compliance monitoring and enforcement around reporting requirements.
27. Without adequate resourcing and oversight there is a danger that supply chain reporting will become a superficial, corporate compliance exercise, and the transformative potential of an adequately resourced supply chain reporting regime will not be realised.
28. Inadequate government resourcing also creates an unrealistic burden on civil society organisations trying to monitor supply chain reporting requirements, especially in the first few years of the regime.

Recommendation 3:

29. If the NSW Government introduces a supply chain reporting regime as contemplated under clause 25 of the NSW Bill, ALHR recommends that NSW Parliament should undertake consultations on the appropriate threshold for supply chain reporting in the regulations. Analysis should be undertaken to identify the number of entities that would be caught by different thresholds.
30. The NSW Government should provide adequate funding for awareness, education, benchmarking and monitoring of compliance (including for the enforcement of the significant penalties contemplated by the NSW Bill) required for effective supply chain reporting regime. The funding provided should recognise that smaller entities are likely to require more assistance from Government to understand and comply with the supply chain reporting requirements.

Clause 27 (1) (a) and (b) Public Register

31. The NSW Bill is missing the key feature of the proposed Commonwealth regime. That is, a central, government-run, public repository of both the entities required to report and their annual statements. The absence of this mechanism has been subject of significant criticism in the United Kingdom.¹¹ Without such a mechanism business, civil society and consumers cannot easily monitor and compare responses to supply chain reporting requirements and a key aspect of the effectiveness of best practice supply chain reporting is absent.
32. In contrast, Clause 27(1)(a) requires that the proposed NSW Anti-Slavery Commissioner keep a publicly available register in electronic form that identifies any commercial organisation that has disclosed in a modern slavery statement that *'its goods and services are, or may be, a product of supply chains in which modern slavery may be taking place and whether the commercial organisation has taken steps to address the concern.'*
33. ALHR understands the intent of clause 27(1)(a) and (b) but ALHR does not endorse this proposal. Given the current prevalence of modern slavery globally, the vast majority (if not all) of the entities subject to the modern slavery statement requirement in clause 25, will be organisations whose goods and services *'may be, products of supply chains in which modern slavery is taking place.'* This means that most reporting organisations should be on the public register.
34. In addition, clause 27(1)(a) and (b) assumes that there will be sufficient government resources to monitor *'whether the organisation has taken steps to address the concern.'* It is unclear how this assessment would be made and if this initiative is pursued ALHR strongly recommends formal consultation should be undertaken with civil society and experts on this point. ALHR's view is that assessing whether adequate and non-tokenistic steps have been taken in response to modern slavery risks is a significant undertaking.
35. This proposal also fails to recognise the importance of avoiding creating perverse incentives for entities to avoid publicly reporting risks or incidences of modern slavery in their supply chains. In ALHR's view, at present, identification of modern slavery risks or incidences in supply chains (and appropriate remediation) would in most cases be indicative of an organisation that is actually taking sufficient steps to identify modern slavery risks in its supply chains. In fact it is the entities that have not identified any risks or actual incidences of modern slavery in their supply chains that warrant significant scrutiny.
36. Relevantly, in October 2017 ALHR submitted the following to the Inquiry (at paragraphs 9.6 and 9.7) under the heading 'No penalties for identification and remediation of incidences of modern slavery':

The identification of incidences of modern slavery should be recognised by both Government and civil society as an indication that appropriate steps are likely being undertaken by the entity to scrutinise its supply chains. Therefore, ALHR supports legislation that gives entities an incentive to report and critically analyse the risk of modern slavery in their supply chains, and also to identify

¹¹ House of Lords House of Commons Joint Committee on Human Rights:
<https://publications.parliament.uk/pa/jt201617/jtselect/jtrights/443/443.pdf>

incidences of modern slavery (and provide remediation activities), rather than covering up the entity's involvement.

37. In ALHR's view, at this early stage of modern slavery compliance reporting, both in Australia and internationally, the proposal in clause 27 to publicly list companies that have identified modern slavery risks in their supply chain is likely, to have the perverse incentive of encouraging entities not to look for or thoroughly report on modern slavery risks given the possible reputational repercussions of identification of modern slavery risks by virtue of the mechanism set up by clause 27.
38. The *Hidden in Plain Sight* report recommends that the Commonwealth modern slavery regime should include publication of a list entities that are required to publish a modern slavery statement but have failed to do so, and possible penalties for the same (Recommendation 19). However, in contrast to clause 27, the *Hidden in Plain Sight* report does not recommend separately publicly listing entities that have identified modern slavery risks or incidences of modern slavery. Rather the *Hidden in Plain Sight* report stated that:

5.165 The Committee agrees that entities should be encouraged and supported to identify and address modern slavery risks in their supply chains. The Committee shares the concerns of businesses that introducing compliance measures and penalties for identifying and addressing modern slavery risks would discourage businesses from reporting, or being open in their reporting.

5.166 The Committee therefore does not support penalties or compliance measures for companies that identify and report on steps taken to address modern slavery risks.¹²

Recommendation 4:

39. In ALHR's view, there may be scope for a mechanism like the one suggested in clause 27 to be introduced in future when Australian supply chain reporting has matured. However, ALHR recommends that clause 27(1)(a) and (b) (Public Register) of the NSW Bill should not be pursued. Instead a government-run, central, public repository of the names of reporting entities and their annual statements, as recommended by the *Hidden in Plain Sight* report would greatly assist the effectiveness of the supply chain reporting requirement.

NSW Government agency procurement

40. ALHR endorses the recent amendments to the NSW Bill providing for the amendment of the *Public Finance and Audit Act 1983* (NSW) to allow the NSW Auditor-General to conduct a risk-based audit of all or any particular activities of a NSW Government agency to determine whether the agency is ensuring that goods and services procured by and for the agency are not the product of modern slavery (schedule 6, clause 6.6 of the NSW Bill).

Anti-slavery Commissioner

41. While a truly independent Anti-slavery Commissioner would have been preferable,

¹² *Hidden in Plain Sight* report, page 135

ALHR also generally endorses the creation of an Anti-Slavery Commissioner for New South Wales (clause 7 of the NSW Bill) with functions outlined in the NSW Bill, subject to the comments below.

42. Current indications from the Federal Government suggest that the appointment of a federal, independent Anti-slavery Commissioner will not be included in the Cth Bill. This potential omission from the Cth Bill will be the subject of significant advocacy by civil society stakeholders. If an effective, independent federal Anti-Slavery Commissioner does eventually come to be included, Commonwealth modern slavery legislation (as recommended in the *Hidden in Plain Sight* report) will be important to ensure that the respective Commissioners can collaborate and do not unnecessarily duplicate their functions.
43. In addition, as is the case with the supply chain reporting aspect of the NSW Bill, unless the Anti-slavery commissioner is effectively resourced it is unlikely to be effective in carrying out its mandate.

Lack of clarity around the Anti-slavery Commissioner's functions and hotline

44. There is some ambiguity in the NSW Bill around the nature of the Commissioner's role with respect to victim support. The newly amended clause 9(1)(b) of the NSW Bill frames the Commissioner's victim support function as *'to identify and provide assistance and support for victims of modern slavery'*. However, clause 10 'Restriction on exercise of functions' provides that the Commissioner *'does not generally have the function of investigating or dealing directly with the complaints or concerns of individual cases,'* but can provide *'individuals and their families, friends and advocates with information about and referral to government and non-government programs and services'*.
45. However, the Commissioner is later asked by the NSW Bill to go further than providing referrals to victims (see clause 12(d)), which requires the Commissioner to:

*to establish and maintain a hotline (or utilise a hotline maintained by a government or non-government agency or other body or organisation) for provision of **advice and assistance** to children and other persons who are, or may be, victims of modern slavery. [Emphasis added]*

46. The NSW Bill is vague about what the 'advice and assistance' offered by the hotline would entail.¹³ ALHR suspects such advice and assistance is intended to be providing *'individuals and their families, friends and advocates with information about and referral to government and non-government programs and services'* in accordance with the limitation on the Commissioner's victim support functions in Clause 10(2).
47. However, it may be that the intention is that the hotline also gives 'advice' about types of general issues recommended to be covered the national hotline recommended in the *Hidden in Plain Sight* report (Recommendation 47):

The functions of the hotline should include, but not be limited to:

- *providing information on the indicators of labour exploitation and modern slavery;*
- *providing information about mechanisms to report cases of labour exploitation and modern slavery;*

¹³ ALHR notes this issue was not covered in the Explanatory Memorandum to the NSW Bill.

- the ability to report potential modern slavery and exploitation abuses and offences;
- providing advice on visa conditions; and
- referring matters to law enforcement and/or support services.

The modern slavery hotline should be accessible to culturally and linguistically diverse communities and people with a disability. The public should also be made aware of this hotline via national efforts to raise public awareness about modern slavery, for example by commencing a national television and online advertising campaign.¹⁴

48. ALHR is concerned that the hotline has the potential to be ineffective or even counterproductive for victims, unless it is staffed by individuals with expertise in responding to the wide range of complex situations that are captured under the 'modern slavery' umbrella, and experience with assisting victims access appropriate support and protection. The challenges in the United Kingdom and Australian experience with modern slavery victim referrals, and the need for teams of multidisciplinary expertise for this function, are discussed in detail in the *Hidden in Plain Sight* report.¹⁵ It is also not clear from the NSW Bill how the hotline interacts with the Commissioner's power in clause 13 to refer information obtained in the exercise of the Commissioner's functions, to other agencies, including to the NSW Police Commissioner.

Recommendation 5:

49. ALHR recommends that:
- a. the NSW Anti-slavery Commissioner proposed in the Bill be adequately resourced; and
 - b. the nature of the hotline's 'advice and assistance' to victims should be clarified, following consultation with experts and relevant government departments about how the hotline would work in practice, and how to ensure a 'victim-centric' approach to this initiative.

Schedule 5, amendment of *Crimes Act 1900*: section 91HAA and section 91HA Defences

50. Schedule 5, clause 3 provides for the amendment of *Crimes Act 1900* by inserting an offence at section 91HAA of 'Administering a digital platform used to deal with child abuse material' and section 91HA 'Defences'. ALHR recommends that this initiative be the subject of further scrutiny in light of the widespread documentation of the negative, unintended outcomes caused by the similar legislation recently introduced in the United States to combat sex trafficking online: the *Fight Online Sex Trafficking Act* and the *Stop Enabling Sex Traffickers Act (FOSTA SESTA)*.¹⁶

51. As a consequence of the FOSTA-SESTA legislation websites where legitimate, consensual sex workers advertise have been shut down due to concerns about legal liability if the sites are used unlawfully. The by-product of these websites being shut down, is that consensual sex workers in the United States and even in Australia, have lost the safeguards provided by being able to advertise online through these

¹⁴ *Hidden in Plain Sight* report, page 304

¹⁵ *Hidden in Plain Sight* report, pages 144 - 150

¹⁶ Aja Romano, *A new law intended to curb sex trafficking threatens the future of the internet as we know it*, Vox, 18 April 2018, <https://www.vox.com/culture/2018/4/13/17172762/fosta-sesta-backpage-230-internet-freedom>

sites and vet clients online, forcing an already marginalised group into more dangerous working conditions.¹⁷

Recommendation 6:

52. ALHR recommends further consideration be given to the potential impact of the insertion of the proposed section 91HAA into the *Crimes Act 1900* (NSW).

Thank you for your consideration. If you wish to discuss any aspect of this letter please do not hesitate to contact Lauren Zanetti at bhr@alhr.org.au.

Yours sincerely,



Kerry Weste
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Endorsed by:

Salvation Army

The Freedom Partnership
End Modern Slavery



Human Rights Law Centre



ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

¹⁷ Matt Young, *Sex workers in Australia say American law is creating devastating losses back home*, News.com.au, 23 April 2018, <http://www.news.com.au/lifestyle/relationships/sex/sex-workers-in-australia-say-american-law-is-creating-devastating-losses-back-home/news-story/09139a2f0d631cd7284090d2336ca517>; Amy Zimmerman, *Sex Workers Fear for Their Future: How SESA Is Putting Many Prostitutes in Peril*, The Daily Beast, 4 April 2018, <https://www.thedailybeast.com/sex-workers-fear-for-their-future-how-sesta-is-putting-many-prostitutes-in-peril>