



The Hon. Paul Green MLC

Christian Democratic Party

SPEECH

MODERN SLAVERY BILL 2018

Before I start, I acknowledge Our Lord Jesus Christ and how good he has been to me. I acknowledge also my wife, Michelle, and my son Ben, who are here today. I acknowledge my mentor and colleague Reverend the Hon. Fred Nile and, finally, all members of the Christian Democratic Party and the people across New South Wales who have made it possible for me to be here today to introduce this very important bill.

I am honoured and humbled today to introduce the Modern Slavery Bill 2018. The bill addresses the findings and recommendations in the report on the inquiry into human trafficking in New South Wales, which was completed last year. The bill has been developed by the New South Wales Parliamentary Working Group on Modern Slavery, a cross-party group of members who came together to develop the bill and deal with this scourge against innocent people in New South Wales and beyond. The members of the working group included Liberal Party member the Hon. Matthew Mason-Cox, The Nationals member the Hon. Trevor Khan, and the Shooters, Fishers and Farmers Party member the Hon. Robert Brown, and we were given much encouragement from our colleagues and members across parties.

Slavery and human trafficking has been around since the beginning of time. Many good men and women have spent their lives committed to the abolition of modern slavery. They include Louis X, St Patrick, William Wilberforce and Abraham Lincoln, just to name a few. In that spirit, first

and foremost, I welcome those in the gallery who have come here to support this bill. There are too many to mention individually but they are phenomenal in everything they do for this cause. I thank those who made submissions to the inquiry and those who gave evidence at the hearings. In April 2017 I undertook a Commonwealth Parliamentary Association study tour to the United States of America and Canada to investigate how governments, churches, non-government organisations and other groups address and tackle human trafficking and homelessness.

I wanted to contribute to policy debate with the knowledge of the legislative frameworks, initiatives, programs, support services, policies and opportunities for collaboration on a global scale from these organisations. I extend my sincerest thanks to the people and organisations in the United States of America and Canada with whom I met, including Sergeant Gentle Winter from the Los Angeles Police Department; the New York Police Department; the Federal Bureau of Investigation, the Human Trafficking Unit in Washington; Homeland Security in Washington; the Los Angeles Sheriff's Department; the Canadian Royal Mounted Police in Ottawa, the International Justice Mission in Washington; and A21 Los Angeles. I thank the many other people I met with on my study tour who gave up their valuable time to share evidence, research, and experience.

Human trafficking is a modern form of slavery. It is a transnational crime that preys on society's most vulnerable. Human trafficking includes slavery and slavery-like practices such as servitude, forced labour, debt bondage, organ trafficking, deceptive recruiting and child cybersex trafficking as well as forced marriage and childhood brides. Unfortunately, the data does not reflect the true levels of modern slavery due to its very nature of being a clandestine activity that hides in the shadow of our communities on a daily basis. However, according to the Global Slavery Index 2016, it is estimated that 45.8 million people worldwide, and more than 4,000 people in Australia, are victims of some form of slavery. Drugs are sold once and used, but people can be sold time and time again.

Members may have seen the recent *Four Corners* episode called "Behind Closed Doors" by Louise Mulligan. If they have not, I encourage them to watch it.

The story tells of three people—from Pakistan, Thailand and the Philippines—who were employed to work for embassies in Canberra. They were subjected to extreme working conditions such as low or no pay, excessively long hours and no recreation days. Their living conditions

were unacceptable; they were not allowed to practise their faith; threats were made to their life and their families' lives; and their passports were removed. Those are basic human rights that every man, woman and child is entitled to. The Salvation Army found at least 20 known cases of that type of modern slavery in embassies in Canberra. It is modern slavery, sadly, alive and well in our own backyard, our nation's capital. I have heard stories of women being promised work as cleaners only to be forcefully put into sexual exploitation. They were forced to work long hours with no pay and their basic freedoms and rights were removed from them in order to pay off their pimp or trafficker.

Some may ask: Why do we need a Modern Slavery Bill in New South Wales? Just over a week ago, the *Daily Telegraph* reported that girls as young as 12 were being kept as sex slaves and used as prostitutes in Sydney's west. The *Daily Telegraph* reported that vulnerable girls were pimped out to older men in seedy motels after being recruited through Facebook. In the course of a three-year investigation, News Corp has learnt that an Australian man bought a kidney off a 26-year-old Pakistani woman as part of a transplant costing \$116,000. The investigation found the unregulated trade of organ trafficking is leading to prisoners being shot on demand to supply human organs. In July last year a Unions NSW audit of job advertisements for foreign workers in Australia found almost 80 per cent of advertised positions were offered below the minimum wage. Union secretary Mr Mark Morey said that foreign workers were often scared to speak out about being paid too little, telling SBS News:

Some people are just fearful of coming forward to complain about employers for the ramifications that may occur from that, such as having their visa cancelled.

ABC News reported that in New South Wales alone the Fair Work Ombudsman has recovered more than \$20 million for 9,000 exploited workers over the past three years. Again, there is a common misconception among foreign workers that making a complaint to the Ombudsman, or even asking for help, could lead to their visas being revoked and the loss of their jobs. There is a genuine fear out there that this will happen. When I chaired the inquiry into human trafficking in New South Wales, former NSW Police Commissioner Andrew Scipione gave the committee horrific evidence relating to the growth of child cybersex trafficking. Mr Scipione said:

Cyber-sex trafficking paints a very worrying scenario for the future [because] you don't necessarily need to move people across borders if you can move the images ... in real-time.

Child sex trafficking is a much bigger problem than most people realise. Catherine Sheehan recently reported in the *Catholic Weekly* that she met with a former New South Wales detective who stated:

It's a billion-dollar industry. The profits are enormous. It's a commodity that can be used over and over again with little to no punishment.

Bodies are not commodities. Law enforcement should be granted the powers needed to locate perpetrators who are hiding their identity on the internet and committing these crimes. Yesterday the *Australian* published a story regarding the surge in paedophile live streaming. I warn that the content is not appropriate for any children who may be watching this debate on the Parliament's website. Amanda Hodge reported:

Pedophiles are paying as little as \$40 to watch a child abused and tortured live online ... Australian Federal Police Assistant Commissioner Debbie Platz says ... the volume of Australians who are uploading, sharing and downloading child pornography is actually skyrocketing ...

The Assistant Commissioner went on to say:

In some instances, it costs \$40 to watch a child in a Southeast Asian country be raped online. But that \$40 can feed a family in Indonesia or the Philippines for maybe a month, so for them it is a lucrative market where they can basically sell children as a commodity ...

The Assistant Commissioner explained the distressing arrangement as follows:

Australians can get online and order a child, and order what they would like happen to that child, and that could mean anything from undressing of a child and seeing them naked, right through to torture, rape and in the most extreme cases ... the murder of a child.

It is deeply disturbing and heartbreaking. It shakes one to the core to contemplate that happening to any child. It is even more excruciating to imagine that sometimes long after the abuse has ceased the images and videos continue to be distributed on the dark web like a double-edged

sword causing additional pain and suffering for the victim. The depravity of mankind knows no bounds. According to the United Nations 2016 Global Report on Trafficking in Persons, 79 per cent of human trafficking is for sexual exploitation and the victims are predominantly women and girls. Children account for 20 per cent of trafficked victims worldwide. That is approximately 9.16 million children, or the equivalent of 16,838 A380 plane loads of children. I have heard of the rise of young girls forced into illegal marriage, exposing them to long-term abuse and rape with the consent of their families. It is important to note under-age forced marriage is not limited to any particular culture, religion or ethnicity. Regardless of religious or cultural background, it is unacceptable and reprehensible to expose children to a forced marriage whether it happens in Australia or through taking the child overseas.

I am sure members recall a story last year when a man allegedly abducted, raped and forced a teenage girl to marry him against her will in an Islamic ceremony. Police allege the girl was sexually assaulted before being taken to a private home in Lakemba in Sydney's west where an imam is then claimed to have married the couple under sharia law. This is only the tip of the iceberg. I could be here all day telling horrific stories of modern slavery and slavery-like practices in New South Wales alone. They are not isolated events. Between 2004 and 2007 the Australian Federal Police looked into more than 900 allegations of human trafficking and slavery. We cannot continue to ignore modern slavery in New South Wales or Australia or, for that matter, across the world. I, along with many stakeholders in the gallery, are here today to be a voice for the voiceless.

I will now address the provisions of the Modern Slavery Bill 2018. First and foremost, the Modern Slavery Bill will make provisions with respect to slavery, slavery-like practices and human trafficking and provide for the appointment and functions of an anti-slavery commissioner as well as some other purposes. The bill comprises five parts. Part 1 deals with preliminary matters. Part 2 covers the appointment of an independent anti-slavery commissioner and the staff and facilities necessary to enable the commissioner to exercise his or her functions. I will address the pertinent elements of that later in my contribution. Part 3 governs modern slavery supply chains and the requirements of certain organisations in reporting identified risks of modern slavery. Part 4 deals with modern slavery risk orders. Part 5 deals with miscellaneous components of the bill and the introduction of new crimes specific to New South Wales, namely, child forced marriage and cybersex trafficking

Part 2 of the bill provides for the appointment of an anti-slavery commissioner. The commissioner's role will be to prepare a strategic plan to combat human trafficking and slavery-like practices in New South Wales. The commissioner will be responsible for educating and informing New South Wales residents, young people and children about the warning signs of modern slavery.

The commissioner will assist and work cooperatively on suspected cases of modern slavery. The role does not include investigating or dealing directly with individual cases. Finally, part 2 outlines the delegation of the commissioner's powers and the responsibility for preparing and publishing an annual report to the Houses of Parliament. By comparison, the commissioner in the United Kingdom has a United Kingdom-wide remit to encourage good practice in the prevention, detection, investigation and prosecution of modern slavery offences. In order to achieve his aims, the commissioner works directly with statutory agencies and they have a duty to cooperate with the commissioner as set out in the Modern Slavery Act.

Part 3 of bill makes provisions in regards to slavery-proofing supply chains. Let us make no mistake, we have all unintentionally benefited from modern slavery in supply chains—for example, the clothing we wear, the technology we use and the food we eat. Consumers need to be educated to actively look at what they are wearing, eating and using to ensure that supply chains are slave-proof. Luke 12:48 says:

To whom much is given, from him much is expected.

I acknowledge the work of Mr Andrew "Twiggy" Forrest, Chairman of Fortescue Metals Group and the Walk Free Foundation, and Archbishop Anthony Fisher, OP, assisted by John McCarthy, QC, and Katherine Moloney. They are leading the way of what should be expected by corporates and faith groups in slavery-proofing supply chains.

Clause 22 of the bill requires commercial organisations and organisations with a threshold of \$50 million operating in New South Wales to publish an annual modern slavery statement. The statement is to contain such information as to the steps taken by the organisation during the financial year to ensure that goods and services are not a product of supply chains in which modern slavery is taking place. There is a maximum penalty of up to 10,000 penalty units or \$1.1 million for failing to do so. We need to be mindful that some companies have global reporting requirements throughout different times of the year, but it is important that they do report during the reporting period. Clause 23 requires the commissioner to keep a publicly available electronic register

that identifies organisations in which goods and services are, or may be, products of supply chains where modern slavery is taking place. The public register will identify any government agency failing to comply with directions of the NSW Procurement Board under section 175 of the Public Works and Procurement Act 1912 concerning procurement, within the meaning of part 11 of that Act, of goods and services that are the product of modern slavery and whether the government agency has taken steps to ensure compliance in the future. The New South Wales Government will report annually with the commissioner and will play a key leadership role in relation to procurement and slavery-proofing supply lines.

Clause 24 of the bill enables the commissioner to develop, and make publicly available, codes of practice that can be used to remediate or monitor identified risks of modern slavery. Clause 25 enables the commissioner to promote public awareness of, and give advice on, steps to be taken to remediate or monitor risks of modern slavery in supply chains. A person must not provide information in his or her statement that the person knows, or ought to reasonably know, is false or misleading. The maximum penalty for false or misleading information will be up to 10,000 penalty units or the equivalent of \$1.1 million. The proposed reporting requirements will be used as a means to combat the human trafficking, forced labour and slavery-like practices which exist in business supply chains.

Part 4 of the bill explains court orders, particularly modern slavery risk orders. Clause 26 enables a court that convicts a person of certain modern slavery offences to make orders prohibiting the person from engaging in conduct described in the order if it is satisfied as to certain matters. A person who is the subject of a modern slavery risk order is guilty of an offence if the person contravenes the order without reasonable excuse. The maximum penalty for such an offence is 500 penalty units or imprisonment for two years, or both. A person convicted of a modern slavery offence may also be subject to orders under the Confiscation of Proceeds of Crime Act 1989 or the Crimes Assets Recovery Act 1990. The Director of Public Prosecutions or another appropriate officer may seek the making of a pecuniary penalty under the Confiscation of Proceeds of Crime Act 1990 against the person in respect of benefits derived by the person from the commission of the offence. This is an important part of the bill in recognising that money laundering does occur in human trafficking and the proceeds should be returned to look after the victims.

Part 5 deals with miscellaneous components of the bill. Importantly, Schedule 4 addresses the amendment of the Crimes Act 1900 No 40 regarding cyber-sex trafficking and child forced marriage. The introduction of new crimes specific to New South Wales in section 91G, and in proposed sections 91HAA to 91HAC, address cyber-sex trafficking and include crimes relating to: children not to be used for production of child abuse material; administering a digital platform used to deal with child abuse material; encouraging use of a digital platform to deal with child abuse material; and providing information about avoiding detection. Section 93 deals with crimes relating to slavery, servitude and child forced labour, and child forced marriage.

I note that we have already received feedback from various stakeholders, including the Sydney Archdiocesan Anti-Slavery Taskforce, Fighting for Justice Foundation and St James Hall Chambers. We will also look into a dedicated non-government hotline to encourage victims and aid them in reporting. We also note there is room for further debate for enhancing human rights due diligence in public procurement. The working group will continue to seek stakeholder feedback in the coming weeks throughout New South Wales. I extend my sincere thanks to the NSW Parliamentary Counsel's Office for its invaluable assistance in preparing the draft bill, particularly Ms Marion Pascoe, Consultant Deputy Parliamentary Counsel. They patiently worked with us—even through the Christmas period, an amazing commitment—and they have done a phenomenal task in very limited time.

I thank also my colleague the Hon. Matthew Mason-Cox, MLC, and his senior advisor Andrew O'Sullivan, for their instrumental assistance in preparing the draft bill. I could not have presented this bill without them. I am very grateful for their encouragement and assistance. I extend my sincerest gratitude to my advisors. Marie Mirza has done a plethora of work and has been faithful to my office since I commenced here in 2011. I thank Danielle Dieckmann. With all that Danielle has been going through, being part of this is why we do what we do, even when life can be tough outside Parliament. I also acknowledge Dr Alex Burton, Yvette Ellias, Mitchell Ryan, Luke Cubis, Emily Van Esch and Hannah Green who have all played a part in my office over the past seven years.

I thank the Premier of New South Wales, the Hon. Gladys Berejiklian, and the Opposition Leader, Mr Luke Foley, for their provisional support for this bill. We look forward to working together on this important bill to ensure that it passes through both Houses prior to the July winter break. I acknowledge the work of the Parliament of Australia, particularly

the members on the Federal inquiry into human trafficking and the Joint Standing Committee on Foreign Affairs, Defence and Trade, for the report entitled, "Hidden in plain sight". We are encouraged that the Federal Government has put into place visa stabilisation for up to 200 days whilst cases are being investigated and victims are seeking legal pathways to find justice.

In conclusion, Proverbs 31:8 says:

Speak out on behalf of the voiceless, and for the rights of all who are vulnerable.

Today I am doing just that—on International Women's Day. I thank those who have invested so much in defending those who are captive in slavery and slavery-like practices. Like them, I am committed to being a voice for the voiceless. Let today be a milestone in eradicating modern slavery here in New South Wales. Let us deal with our own house first and then look to others to help them. Let today be a stepping stone to stamping out modern slavery, not just in Australia, but worldwide. Finally, I leave the members of this Chamber with the wise words of William Wilberforce, who said:

You may choose to look the other way but you can never say again that you did not know.

I commend the bill to the House.