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International Commission of Jurists (Victoria)  
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555 Lonsdale Street  
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Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

20 July 2018

Dear Sir / Madam,

### **INQUIRY INTO THE MODERN SLAVERY BILL 2018**

The International Commission of Jurists (Victoria) ('**ICJV**') welcomes the opportunity to provide comments to the Senate Legal and Constitutional Affairs Committee on the Modern Slavery Bill 2018 ('**Bill**').

It is our submission that:

- an Independent Anti-Slavery Commissioner be established, with functions similar to those listed in the *Modern Slavery Act 2018* (NSW) and the *Modern Slavery Act 2015* (UK);
- the revenue threshold (\$100 million) for entities subject to the Bill's reporting requirements is too high and unjustifiably limits the Bill's application. If for reasons of practicality there is to be a threshold, it should be reduced \$25 million. This would align with the revenue threshold applied in the definition of 'large proprietary company' in s 45A(3) of the *Corporations Act 2001* (Cth);
- akin to the *Modern Slavery Act 2018* (NSW), the Bill introduce penalties and fines for non-compliance with reporting requirements;
- the Bill introduce defences for slavery or trafficking victims who commit an offence, akin to s 45 of the *Modern Slavery Act 2018* (UK); and



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- the Bill introduce Risk Orders, akin to s 29 of the *Modern Slavery Act 2018* (NSW). These orders allow the courts to prohibit a person engaging in conduct specified in the order for at least two years. They are made when a person has engaged in offences constituting 'modern slavery', as listed in Schedule 2 of that Act, and there is reasonable cause to believe that the person will engage in that conduct again.

In addition to our own comments, we refer to and support the submission prepared by Ms Fiona McLeod SC dated 10 July 2018.

Yours sincerely,

Justice Mordecai Bromberg  
President  
International Commission of Jurists (Victoria)