

11 October 2022

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Dear Dr Popple

## **REVIEW OF AUSTRALIA'S MODERN SLAVERY ACT**

I refer to the invitation to participate in consultation on the Review of Australia's Modern Slavery Act (the **Act**), received from the Law Council of Australia on 8 September 2022.

The Law Society has set out its submission below in relation to the questions it considers to be most significant:

### **Question 6: Reporting Threshold**

The Law Society considers that reducing the reporting threshold prematurely may reduce overall compliance. It is appropriate for the largest organisations to bear primary responsibility for taking the first steps to mitigate the risks of modern slavery. Therefore, the Law Society suggests that it is preferable to retain the current threshold at this stage to allow larger entities to consolidate good practice and strengthen compliance with the Act. The reporting threshold may be lowered in the future.

### **Question 17: Civil Penalties or Sanctions**

The Law Society considers it is important to enhance compliance with the Act, and additional measures such as civil penalties or sanctions should be introduced as a way of achieving this.

The Act should provide for:

- i) civil penalties or sanctions for significant breaches of the Act, such as failure to submit a modern slavery statement, failure to satisfactorily address all mandatory reporting criteria, or submission of a false or misleading statement;
- ii) different levels of sanctions, consisting of warning letters, fines and court summons and disqualification, as recommended by the Independent Review of the UK legislation; and
- iii) a requirement for Government tenders or procurement criteria to exclude non-compliant large entities.

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Another option would be for organisations that have not complied with their reporting obligations to be “named and shamed” on a public register and be listed in the Minister’s Annual Report to Parliament.

**Question 23: Anti-Slavery Commissioner**

The Law Society is generally supportive of a Commonwealth Anti-Slavery Commissioner playing a role in administering and enforcing the reporting requirements in the Modern Slavery Act. The Commissioner should be given similar functions to the Commissioner under the NSW legislation such as advocacy, community awareness, guidance, publishing codes of practice, monitoring government agency reporting, advice to government, annual reporting and victim support (but not complaint handling). It is vital that the Commissioner be independent of government.

Please let me know if the Law Society could provide further assistance to you in your consideration of this matter. If you have any queries please contact Mary Woodford, general Manager Advocacy and Professional Development on (08) 9324 8646 or [mwoodford@lawsocietywa.asn.au](mailto:mwoodford@lawsocietywa.asn.au).

Yours sincerely



Rebecca Lee  
**President**