

ARA SUBMISSION

INQUIRY INTO THE MODERN SLAVERY AMENDMENT (AUSTRALIAN ANTI-SLAVERY COMMISSIONER) BILL 2023

JANUARY 2024

EXECUTIVE SUMMARY

The Australian Retailers Association (ARA) welcomes the opportunity to provide comments regarding the [Modern Slavery Amendment \(Australian Anti-Slavery Commissioner\) Bill 2023 \(the Bill\)](#) to establish an Anti-Slavery Commissioner as an independent statutory office holder in the Attorney-General's portfolio.

The ARA is the oldest, largest, and most diverse national retail body, representing a \$420 billion sector that employs 1.4 million Australians – making retail the largest private sector employer in the country. As Australia's peak retail body, representing more than 120,000 retail shop fronts and online stores, the ARA informs, advocates, educates, protects, and unifies our independent, national, and international retail community.

We represent the full spectrum of Australian retail, from our largest national and international retailers to our small and medium sized members, who make up 95% of our membership. Our members operate across the country and in all categories - from food to fashion, hairdressing to hardware, and everything in between.

Managing supply chain risks, including the risks of modern slavery, has become a key focus for Australian retailers in recent years, and so we welcome the increased transparency that has been a positive side effect of the modern slavery reporting regime.

The ARA acknowledges that the [Modern Slavery Act \(2018\) \(the Act\)](#) has elevated awareness among the Australian business community about modern slavery risks and increased transparency in supply chains.

The ARA is supportive of an amendment to the Act to establish an independent Anti-Slavery Commissioner, consistent with the ARA's [submission](#) to the Commonwealth's *Review of Australia's Modern Slavery Act 2018 (the Review)* and the ARA's [2023-24 Pre-Budget Submission](#),

In our view, the Commissioner's role will support compliance with the Act and complement the work that businesses are already doing to combat modern slavery, which in turn will strengthen the retail sector's response to modern slavery.

ROLE OF THE ANTI-SLAVERY COMMISSIONER

With reference to the ARA's previous submission to the Review, we provide the following summary of views provided regarding the role of the Commissioner:

- The Commissioner's role would provide legitimacy to the outcomes of the Act, as well as encouraging executive accountability within organisations.
- The Commissioner would provide opportunities for education, feedback, and guidance to organisations, as well as the publication of a summary of findings of Statements made under the Act.

- The Commissioner would facilitate cross-industry discussions with respect to measuring the effectiveness of the Act, and opportunities for improving the Act.
- The Commissioner's role could be modelled on the role of the e-Safety Commissioner, with respect to the framework and powers.

The ARA supports the Commissioner's proposed functions as currently prescribed by the Bill. The ARA understands the Commissioner's functions will allow working with government, business, and civil society to support compliance with the Act, improve the transparency of supply chains, and help fight modern slavery.

We understand the Commissioner will be appointed through a merit-based process, and that the Commissioner is accountable to Parliament through the preparation and publication of strategic plans and tabling of reports. The ARA seeks further clarity and transparency with respect to the Commissioner's Key Performance Indicators.

We understand the Commissioners' functions will complement work undertaken across the Australian Government to prevent and combat all forms of modern slavery, including work performed by the Attorney-General's Department and the Ambassador to Counter Modern Slavery, People Smuggling and Human Trafficking. We understand the Commissioner will work with government agencies to support and enhance existing initiatives, while also progressing new initiatives to address modern slavery.

However, the ARA suggests additional information with respect to the alignment between the Commissioner and the existing NSW Anti-Slavery Commissioner be provided. To prevent duplication and to encourage collaboration and engagement between jurisdictions, greater understanding of the interoperability of the two Commissioner's would be beneficial.

We encourage the Commissioner to work collaboratively with business and industry associations to progress initiatives. Industry associations such as the ARA are in a unique position to seek the valuable perspectives of their members, provide feedback to government, and distribute information and resources to the retail sector.

We propose the development of targeted support and guidance materials by the Commissioner, including resources designed to help businesses identify and address modern slavery risks in their supply chains.

Additionally, the Commissioner may consider the implementation of a taskforce that enables businesses to collaborate and share information on known human rights risks within the supply chain – or provide insight as to whether this will be covered by the Federal Attorney-General's Modern Slavery Expert Advisory Group. We welcome the opportunity to review draft guidance materials and provide support to any taskforce as the peak body for the retail sector.

CONCLUSION

The ARA supports the establishment of an independent Anti-Slavery Commissioner to support compliance with the Act and complement the work businesses are already doing to combat modern slavery. The Commissioner will provide valuable assistance to enhance and strengthen the retail sector's response to modern slavery.

Thank you for the opportunity to provide a submission to this inquiry. Any queries in relation to this submission can be directed to our policy team at policy@retail.org.au.