

**Rachel Stephen-Smith MLA**

Minister for Health

Minister for Mental Health

Minister for Finance

Minister for the Public Service

Member for Kurrajong

**RESPONSE TO QUESTION ON NOTICE****Questions on Notice Paper No 4****21 MARCH 2025****Question No. 251****JO CLAY MLA:** To ask the Minister for Finance

1. Given that the NSW Anti-slavery Commissioner is reviewing that States deal to buy 319 electric buses over concerns that batteries made by Chinese firm Contemporary Amerex Technology Company Limited (CATL) may have been produced in forced Uyghur Labor camps, and that during the 10th Assembly, a bill was presented to establish an anti-slavery commissioner as part of our Human Rights Commission and harmonised with the Commonwealth system, to ensure that the ACT also had capacity to proactively review and address modern slavery occurring within our borders and in our supply chains, are the current laws and procurement system in the ACT ensuring that we are not supporting modern slavery within the ACT.
2. Is the ACT Government considering establishing an anti-slavery commissioner like New South Wales.
3. Has the ACT Government inadvertently supported modern slavery through (a) its bus procurement and (b) other recent procurements.
4. Has the ACT Government proactively reviewed other procurement areas highlighted as of high concern, such as textiles, solar panels and batteries.
5. Has the ACT Government planned further legislative or administrative reform to ensure Government supply chains do not rely on modern slavery.

**Rachel Stephen-Smith MLA** - The answer to the Member's question is as follows:

1. The *Human Rights Act 2004* (**HR Act**) specifies several human rights, including the right to work and other work-related rights (section 27B) which covers the right to freedom from forced work and the enjoyment of just and favourable conditions of work. These rights relevantly apply to decisions or actions of public authorities (as defined in the HR Act) and aspects of employment or workplace relations that are regulated under Territory legislation.



Additionally, the ACT Government Procurement Framework incorporates requirements and tools which support Territory entities (as defined in the *Government Procurement Act 2001*) to address the risks of modern slavery throughout the procurement lifecycle. Relevantly:

- the *Government Procurement (Charter of Values Direction) 2020*, establishes the ACT Government's commitment to creating fair and safe conditions for workers and ensuring that ACT Government Procurement is transparent and ethical through the procurement values of "Fair and Safe Conditions for Workers" and "Transparent and Ethical Engagement";
- the *Government Procurement (Secure Local Jobs) Code 2020 (SLJC)*, is a regulatory scheme strengthening the ACT Government's procurement practices so that only contracts are awarded to suppliers that meet the highest ethical and labour standards. Where SLJC applies, suppliers are also required to complete a Labour Relations, Training and Workplace Equity Plan (**LRTWE Plan**) (where the work is valued at more than \$25,000). The LRTWE Plan describes:
  - the systems and policies suppliers have in place to ensure their compliance with their SLJC;
  - certification as well as the compliance of their subcontractors;
  - how suppliers have ensured their employees are aware of the SLJC and their obligations such as Toolbox talks and meetings;
  - how suppliers minimise insecure working arrangements;
  - what support systems suppliers have to ensure the health and safety of their employees; and
  - what strategies and policies suppliers have in place to support workplace diversity;
- the Ethical Treatment of Workers Evaluation requirement under the *Government Procurement (Ethical Treatment of Workers Evaluation) Direction 2023 (No 2) (ETWE Direction)*, aims to ensure that the ACT Government only contracts with suppliers who demonstrate behaviour and business practices aligned to the Fair and Safe Conditions for Workers procurement values and remain compliant with their obligations under the SLJC; and
- the ACT Government's Guide to Addressing Modern Slavery and associated toolkit provides important support and guidance to Territory entities to identify, assess, prevent and monitor modern slavery risks throughout the procurement lifecycle.

2. The ACT Government is not presently considering establishing an anti-slavery commissioner.

3.

- a. The ACT Government's electric bus procurements were completed in accordance with the ACT Government Procurement Framework in place at the time. This included provisions addressing the risks of modern slavery. These procurements were undertaken in 2021 and 2022 respectively.

Prior to the commencement of the Ethical Treatment of Workers Evaluation process in 2023, suppliers were required to submit an Ethical Suppliers' Declaration with their tender. In this declaration, they were required to confirm their compliance with several applicable legislative instruments, including the *Modern Slavery Act 2018* (Cth). The bus suppliers confirmed their compliance with the applicable legislation in their tender responses.

In addition, the contracts for supply of the electric buses require the supplier to comply with all applicable laws. The contracts are governed by the laws of the Australian Capital Territory.

b. Please refer to the answer to question 1.

4. The ETWE Direction relevantly applies to a procurement that has an estimated value of \$200,000 or more and is in an identified industry with a high risk of modern slavery not already covered by the SLJC. Textiles and Garments ANZSIC codes 13, 4251, 4252, 3712 and 9491 and ICT Hardware ANZSIC Codes 2421 and 4222 are expressly covered by the Direction. The ACT Government's Guide to Addressing Modern Slavery references manufacturing (which would include batteries and solar panels) as an area at high risk of modern slavery.
5. The ACT Government participates in the Intergovernmental Network on Modern Slavery in Public Procurement convened by the Australian Government. This allows the ACT Government to keep abreast of emerging modern slavery reforms and other related initiatives across Australia to identify opportunities for better practice, including, where appropriate, through legislative or administrative reform.

**Approved for circulation to the Member and incorporation into Hansard.**



**Rachel Stephen-Smith MLA**  
**Minister for Finance**

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This response required 16 hours 10mins to complete, at an approximate cost of \$1,879.86.