



2 November 2023

(23-7403)

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Committee on Government Procurement

Original: English

**NOTIFICATION OF DOMESTIC LEGISLATION RELEVANT TO THE
AGREEMENT ON GOVERNMENT PROCUREMENT 2012**

NOTIFICATION FROM AUSTRALIA

The following notification, dated 26 October 2023, is being circulated at the request of the Delegation of Australia.

Notifying Party	AUSTRALIA
Legal Basis	<input checked="" type="checkbox"/> Article XXII:5 of the GPA 2012 <input type="checkbox"/> Committee's Decision on notification requirements under Articles XIX and XXII:5 of the GPA 2012 (GPA/113 , Annex A of Appendix 2, para 1)
Title of the notified legal text	Modern Slavery Act 2018 (NSW), including amendments to Public Works and Procurement Act 1912 (NSW), Part 11
Link to legal text	Modern Slavery Act 2018 (NSW): <ul style="list-style-type: none">• https://members.wto.org/crnattachments/2023/GPA/AUS/23_13272_00_e.pdf• https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2018-030#statusinformation Public Works and Procurement Act 1912 (NSW), Part 11: <ul style="list-style-type: none">• https://members.wto.org/crnattachments/2023/GPA/AUS/23_13272_01_e.pdf• https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-1912-045#pt.11
Notification status	<input checked="" type="checkbox"/> First notification (i.e. new domestic legislation) <input type="checkbox"/> Change, amendment or revision to notified legal text <input type="checkbox"/> Replacement or consolidation of notified legal text(s)
Previous notification referred to	N.a.
Brief description of the notified legal text	
<p>The <i>Modern Slavery Act 2018</i> (NSW) (the Act) received assent in June 2018, but was unable to be commenced immediately due to operational issues. The <i>Modern Slavery Amendment Act 2021</i> commenced on assent in November 2021, and amended the Act to provide for its commencement on 1 January 2022.</p> <p>The Act established the Anti-slavery Commissioner (Commissioner). The Commissioner must regularly consult with the NSW Procurement Board to monitor the effectiveness of due diligence procedures in place to ensure that goods and services procured by government agencies are not the product of modern slavery.</p>	

<p>The Act amended the <i>Public Works and Procurement Act 1912</i> (NSW) to provide that:</p> <ul style="list-style-type: none"> the NSW Procurement Board may issue directions or policies regarding reasonable steps that are to be taken to ensure that goods and services procured by and for government agencies are not the product of modern slavery (section 175(3)(a1)) a NSW Government agency must take reasonable steps to ensure that goods and services procured by and for the agency are not the product of modern slavery (section 176(1A)). 	
Language(s) of notified legal text	English
Date of adoption	27 June 2018 (date of assent of Modern Slavery Act 2018 (NSW)) 29 November 2021 (date of assent of Modern Slavery Amendment Act 2021 (NSW))
Entry into force	The Modern Slavery Act 2018 (NSW) commenced on 1 January 2022.
Other information	These notifications are being made because the Modern Slavery Act (2018) commenced operation on 1 January 2022.
Agency or authority responsible	The Attorney General (NSW) has portfolio responsibility for the Modern Slavery Act 2018 (NSW).