



Eliminating modern slavery in government supply chains



Queensland
Government

Eliminating modern slavery in government supply chains – v1.0 March 2022

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Introduction

According to the [Global Slavery Index 2018](#) there are estimated to be over 40 million people in slavery conditions around the world. Modern slavery can occur in every industry and sector. It involves serious criminal conduct and the most severe human rights abuses and exploitation of victims.

Freedom from slavery is a fundamental human right. Under the [UN Guiding Principles on Business and Human Rights](#) (UN Guiding Principles) governments and businesses have a responsibility to respect human rights in their operations and supply chains. This responsibility includes taking action to prevent, mitigate and, where appropriate, remedy modern slavery in operations and supply chains.

Respect for human rights, responding to exploitation and modern slavery practices are increasingly in focus as businesses apply due diligence to processes within their supply chains. Decisions on how products and services are sourced is critical to meeting both legal requirements and in maintaining reputational dignity.

This is not just an issue for the corporate sector but is recognised as an important ethical responsibility for government in leading by example and creating an environment where people are free from coercion and exploitation, and personal freedoms are protected.

The nature and extent of modern slavery means that there is a risk that every government's procurement activities may be linked to modern slavery through the activities of its suppliers and their supply chains. It is estimated by the [Global Slavery Index 2018](#) that approximately \$12 billion of products at risk of being made by victims of modern slavery are imported by Australia each year.

Purpose

This guide provides information to procurement officers, contract managers and decision makers on the issue and prevalence of modern slavery, as well as information about:

- how to identify some of the high-risk factors that can indicate modern slavery vulnerability in supply chains
- options for how to mitigate risk in agency supply chains
- options for responding where modern slavery risks and practices are suspected or identified.

A toolkit with supporting tools which accompany this guide, can be found on the online [here](#). The toolkit includes:

- [Tool 1: Procurement planning questions](#)
- [Tool 2: Sample contract clauses](#)
- [Tool 3: Protocol for reporting modern slavery](#)
- [Tool 4: Supplier self-assessment questionnaire](#)
- [Tool 5: Supplier Code of Conduct - Continuous improvement supplier guide.](#)

Please note this guide does not provide advice on meeting Australian Government reporting requirements under the [Modern Slavery Act 2018](#) (Cth). For information on meeting those requirements including preparing and submitting annual Modern slavery statements, please refer to [Australian Government's modern slavery reporting page](#) or contact the Modern Slavery Business Engagement Unit via email at slavery.consultations@abf.gov.au.

Modern slavery and current procurement policy ethical initiatives

The [Queensland Procurement Policy](#) (QPP) seeks to ensure government procurement expenditure for the long-term wellbeing of the Queensland community.

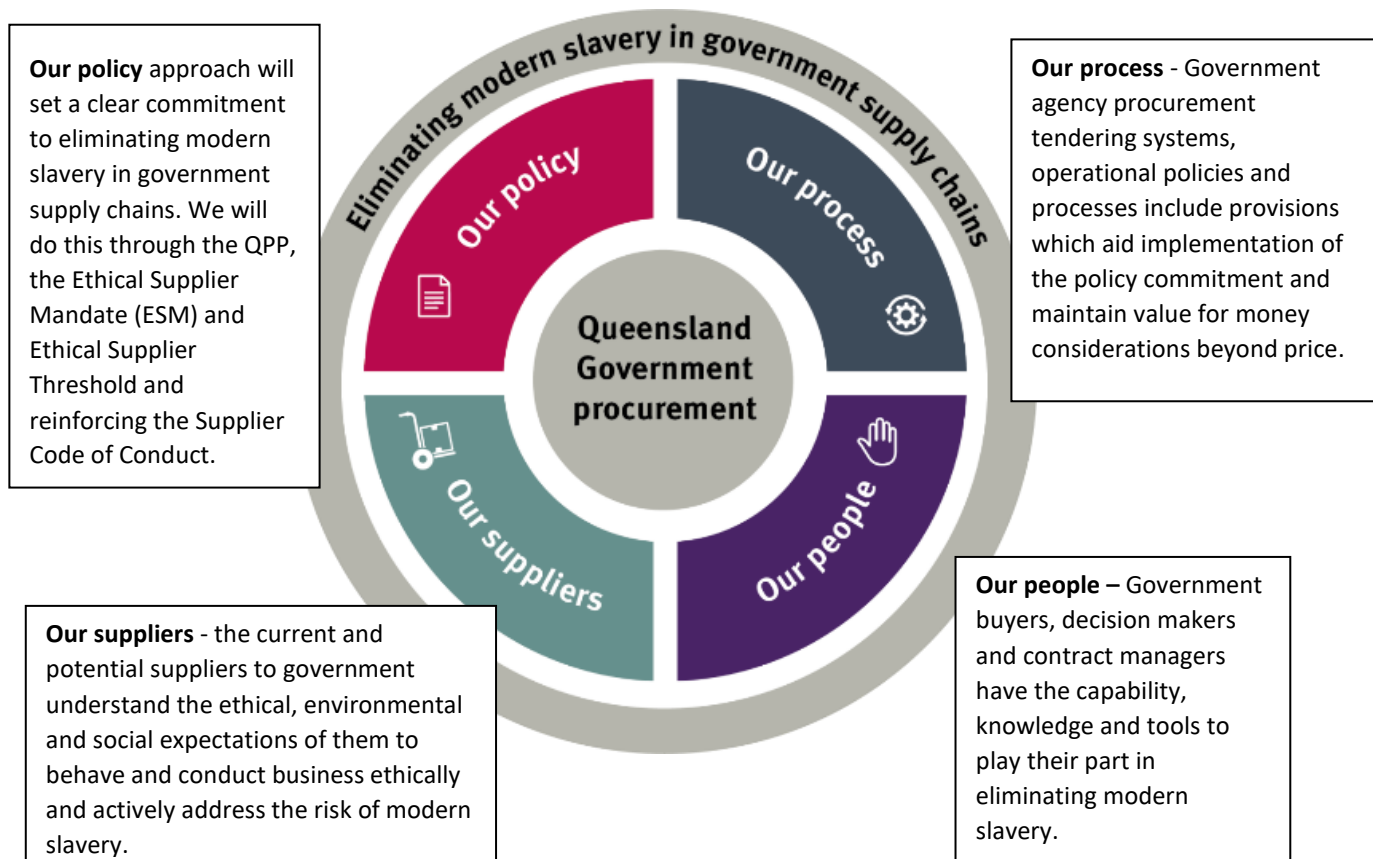
Since 2017, a range of initiatives have been introduced which lay the foundation for ethical procurement practices by engaging suppliers and influencing the supply chain to demonstrate ethically, socially and environmentally responsible behaviours. Specifically:

- the [Ethical supplier mandate](#) and [Ethical supplier threshold](#)
- [Best Practice Principles](#)
- [Supplier code of conduct](#).

The introduction of the [Eliminating modern slavery in government supply chains: Framework and roadmap priority actions](#) builds on existing ethical procurement mechanisms to establish a proactive commitment to progressively eliminate the exploitation of vulnerable Queenslanders from modern slavery and further drive behavioural change throughout government supply chains.

The framework is designed around four enabling areas of focus: our **policy**, our **process**, our **people** and our **suppliers**. It complements actions already being undertaken by government agencies/entities and suppliers to comply with modern slavery reporting responsibilities under the *Modern Slavery Act 2018* (Cth) (where applicable).

Diagram 1. Eliminating modern slavery in government supply chains - four enabling areas



What is modern slavery?

Modern slavery describes situations where offenders use coercion, threats or deception to exploit victims and undermine their freedom. Modern slavery is used to describe serious forms of exploitation. Types of modern slavery include human trafficking, slavery, servitude, forced labour, debt bondage, forced marriage and the worst forms of child labour. Modern slavery for the purposes of the guide has been derived from the [Modern Slavery Act 2018](#) (Cth) definition in relation to offences under [the Criminal Code](#) and other Conventions.

MYTH BUSTING

Modern slavery is not only an international concern for residents of underdeveloped countries. Of the 24.9 million victims of forced labour, 16 million were in the private economy (businesses and companies) according to the [Global Estimates of Modern Slavery](#) report by the International Labour Office (ILO) and the Walk Free Foundation.

Not all instances of exploitation represent modern slavery. For example it does not include unethical practices like sub-standard working conditions, long hours, wage theft or underpayment that can be experienced by workers without being forced or deceived, as outlined in the UK Government's guide: [Transparency in supply chains - A practical guide](#).

However, these types of unacceptable working conditions, if left unchecked, can escalate into situations that would constitute modern slavery.

This concern was highlighted in the 2018 Queensland Parliamentary enquiry into wage theft report, [A fair day's pay for a fair day's work? Exposing the true cost of wage theft in Queensland](#), which outlines on page 25 that:

“Wage theft appears to be widespread across many industries, and for a small and particularly vulnerable cohort of the workforce, the extent of the exploitation is so severe that it has been described as bordering on modern slavery”.

The parliamentary report also highlights the vulnerability of migrant workers to exploitation. Queensland is particularly vulnerable to the potential risk of forced labour through exposure to worker exploitation in its use of migrant workers in agricultural industries located in regional and remote areas across the state.

The diagram below shows the spectrum of working conditions from 'decent work' conditions where workers rights are respected through to 'dangerous' conditions and then 'modern slavery'.

Diagram 2. Spectrum of working conditions

Procurement policy mechanisms

- Eliminating modern slavery in government supply chains: Framework and roadmap priority actions

- Best Practice Principles
- Ethical Supplier Mandate Threshold
- Supplier Code of Conduct



Types of serious exploitation

The [Modern Slavery Act 2018](#) (Cth) defines modern slavery as eight types of serious exploitation. Each of these are clearly defined in Australian and international law.

1. **Trafficking in persons** - Describes the recruitment, harbouring and movement of a person for exploitation through modern slavery.
2. **Slavery** - Describes situations where the offender exercises powers of ownership over the victim including the power to make a person an object of purchase and use their labour in an unrestricted way.
3. **Servitude** - Describes situations where the victim's personal freedom is significantly restricted and they are not free to stop working or leave their place of work.
4. **Forced marriage** - Describes situation where coercion, threats or deception are used to make a victim marry or where the victim does not understand or is incapable of understanding the nature and effect of the marriage ceremony.
5. **Debt bondage** - Describes the situations where the victim's services are pledged as security for a debt and the debt is manifestly excessive or the victim's services are not applied to liquidate the debt, or the length or nature of the services are not limited and defined.
6. **Deceptive recruiting for labour or services** - Describes situations where the victim is deceived about whether they will be exploited through a type of modern slavery.
7. **Worst forms of child labour** - Describes situations where children are:
 - Exploited through slavery or similar practices, including sexual exploitation; or
 - Engaged in hazardous work which may harm their health, safety or morals; or
 - Used to produce or traffic drugs.
8. **Forced labour** - Describes situation where the victim is either not free to stop working or not free to leave their place of work.

Criminal case example – Servitude – Telemarketing service: Bo-Syun Chen & Yu-Hao Huang (2017)

In February 2017, two Taiwanese nationals pleaded guilty to causing a person to enter into or remain in servitude.

This was the first prosecution and sentence for an offence of causing a person to enter into or remain in servitude since amendments in 2013 broadened the conduct covered by that offence from only sexual servitude to all forms of servitude.

They ran two fraudulent call centres out of residences in Brisbane. The call centres were staffed by other Taiwanese nationals who were forced to work 15 hours a day, seven days a week, for no pay. The call centre operators each had to learn a script and make up to 60 calls per shift which were designed to trick wealthy Chinese citizens into revealing their bank balances, pretend they were suspected of money laundering, and demand that they pay a large fine in return for not being prosecuted.

An Australian Federal Police investigation commenced following the escape of one of the workers from one of the houses. When search warrants were executed, it was found that there were 49 workers at the two locations. Workers advised of strict rules around their work as well as eating, showering and sleeping.

One perpetrator, who was the boss of the house and fraud operation at one of the houses, was sentenced to three years imprisonment for causing a person to enter into or remain in servitude, with release on recognisance after serving 548 days.

The other, who was second in command at the house, was sentenced to 2.5 years imprisonment for causing a person to enter into or remain in servitude, with release on recognisance after serving 541 days.

Understanding the law

There are several laws relevant to the Queensland context.

Human trafficking, slavery and slavery-like practices such as servitude, forced labour and forced marriage are complex crimes and a major violation of human rights.

Queensland

Human Rights Act 2019 (Qld)

The [*Human Rights Act*](#) (HR Act) protects the human rights of every person in Queensland when they interact with the government, police, public hospitals, public schools and other organisations doing work for the Queensland Government. It puts people first by making sure that the public sector thinks about human rights when they make decisions and deliver services.

Freedom from forced work, protection from torture and cruel, inhuman or degrading treatment and freedom of movement are explicitly protected in the HR Act.

By protecting an individual's human rights and ensuring suppliers to government deemed to be public entities have shared accountability, the Queensland Government is already helping prevent slavery. The due diligence in decision making that takes into account human rights will also benefit supply chain management that supports ending modern slavery and human exploitation.

Labour Hire Licensing Act 2017 (Qld)

In 2018, the [Labour Hire Licensing Act 2017](#) (LHL Act) established a mandatory licensing scheme to monitor labour hire providers and protect workers. It requires all providers in Queensland to be licensed, including providers based either interstate or overseas who supply workers to Queensland. The Labour Hire Licensing Compliance Unit reviews all licence applications, investigates allegations and instances of non-compliance with the LHL Act.

Australia

Modern Slavery Act 2018 (Cth)

The Australian Parliament passed the Commonwealth [Modern Slavery Act 2018](#) (the Act) on 29 November 2018. The Act established a national Modern Slavery Reporting Requirement (Reporting Requirement) and entered into force on 1 January 2019.

The legislation includes:

- a definition of modern slavery
- mandatory annual reporting on modern slavery in supply chains
- actions being taken to assess risk and address instances of modern slavery that are identified
- providing the opportunity for progressive maturity for agencies and businesses to continuously improve processes that identify and respond to risk factors or breaches.

The Act strengthens the already existing whole-of-government anti-slavery measures enabled by the [National Action Plan to Combat Human Trafficking and Slavery](#).

The introduction of the Act requires entities that conduct business in Australia with an annual revenue of at least AU \$100 million to comply with the Act and publish annual Modern Slavery Statements in an online register.

While the Act does not extend to Queensland Government agencies (e.g. budget sector agencies), there may be some entities captured by the Act, required to comply with the Act and prepare annual modern slavery statements for the Australian Government, such as:

- government owned corporations
- large statutory bodies
- suppliers to Queensland Government.

Criminal Code Act 1995 (Cth)

The [Criminal Code Act 1995](#) (Cth) outlines slavery, slavery-like and trafficking offences. All investigations under these offences are carried out by the Australian Federal Police (AFP) and prosecutions are undertaken by the Commonwealth Director of Public Prosecutions (CDPP).

In February 2013, the Australian Government passed the [Crimes Legislation Amendment \(Slavery, Slavery-Like Conditions and People Trafficking\) Act 2013](#) (Cth). This amended the Criminal Code by:

- adding additional offences of forced marriage and forced labour
- broadening the definition of servitude beyond sexual servitude
- expanding the definition of coercion.

Fair Work Act 2009 (Cth)

The [Fair Work Act 2009](#) (Cth) (the FW Act) is the primary instrument establishing a national industrial relations system for employment standards and workplace protections for the private sector workforce (approximately 87 per cent of the Australian workforce¹).

The Fair Work Ombudsman is empowered to investigate breaches of the provisions under the FW Act. In 2017, the FW Act was amended with the introduction of the Fair Work Amendment ([Protecting Vulnerable Workers](#)) Bill 2017 (Cth) to include provisions to protect vulnerable workers, particularly acknowledging the growing concerns for migrant workers, as highlighted in the [Global Slavery Index Country Report for Australia](#).

International

There are nine core international human rights instruments, with committee of experts established to monitor implementation by its Parties. Australia is a party to the [Universal Declaration of Human Rights](#) (1948) and has ratified many human rights treaties, including:

- the International Covenant on Civil and Political Rights
- the International Covenant on Economic, Social and Cultural Rights
- the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Additionally, Australia supports the [UN Guiding Principles on Business and Human Rights](#) which were unanimously endorsed by the UN Human Rights Council in 2011.

How does modern slavery present in procurement?

Even with a strong legal framework in place, a comprehensive parliamentary inquiry into wage theft in Queensland² indicated that many employers continue to undertake practices that are exploitative and breach legal requirements.

The identified areas of vulnerability and risk for Queensland are within the migrant and young worker cohorts and across the hospitality, cleaning, security, horticulture and construction industries³. These local risks are reflective of high-risk factors identified internationally as predictors of modern slavery and unethical practices.

In addition to known high risk factors and predictors, modern slavery may occur in the Queensland Government's domestic and international operations and procurement activities in two main ways:

1. A direct supplier of goods and services to the Queensland Government engages in modern slavery in Queensland, Australia or overseas. For example, a cleaning company could use forced labour to clean a government office.
2. An indirect supplier that provides goods or services that contribute to goods and services used by the Queensland Government engages in modern slavery in Australia or overseas. For example, an overseas cotton farm may use child labour to pick cotton that is subsequently used by another supplier to make uniforms purchased by the Queensland Government.

¹ ABS Labour Statistics: Concepts, Sources and Methods, Feb 2018, ABS, 'Workplace Relations' (2018). www.abs.gov.au/ausstats/abs@.nsf/mf/6102.0.55.001

² *A fair day's pay for a fair day's work? Exposing the true cost of wage theft in Queensland*, Parliament Education, Employment and Small Business Committee Report (2018) www.parliament.qld.gov.au/Documents/TableOffice/TabledPapers/2018/5618T1921.pdf

³ *A fair day's pay for a fair day's work? Exposing the true cost of wage theft in Queensland*, Parliament Education, Employment and Small Business Committee Report (2018)

What should I look out for?

A supplier may exhibit one or more of the following high-risk factors, which can be indicators of modern slavery, as part of a due diligence process or modern slavery risk supplier risk assessment exercise.

The more high-risk factors present, the higher the risk of the supplier contributing to modern slavery either directly or indirectly. Australian Government resources and information to perform supply chain mapping and risk assessment are outlined in the Risk Assessment section of the guide.

Diagram 3. Risk factors



1) High risk business models

Business models that display the following may indicate a higher risk of modern slavery:

- Procurement and sourcing processes appear poorly managed or inefficient
- There are complex or opaque supply chains
- Little information is available from the employer to workers about workplace entitlements and protections, and workplace standards
- Audit results for the business appear unreliable or conflict with other sources of information about the supplier, such as media or community organisation reports.

Government buyers play a role, through effective supplier relationship management, to work with businesses to understand what is required from them as a contemporary business where consumer interest in corporate social responsibility and ethical purchasing is core to their decision making.

2) High risk categories (products, services, industries)

When determining what a high-risk category might be, you can take into consideration the type of workforce and the types of products associated with an industry. Think about which industries might employ the following work conditions:

- Use of unskilled, temporary or seasonal labour (e.g. fruit picking, farming)
- Use of short-term contracts and outsourcing
- Use of foreign workers or temporary or unskilled labour to carry out functions which are not immediately visible because the work is undertaken at night-time or in remote locations (e.g. government office building cleaners, security guards)

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- Use of child labour in hazardous conditions, such as underground, with dangerous machinery or tools, in unhealthy environments (including where they are exposed to physical or sexual abuse), or for long hours
 - Recruitment strategies by suppliers, their agents or labour hire agencies target specific individuals and groups from marginalised or disadvantaged communities (e.g. student visa holders with restricted visa conditions for work).
-

Case example – Forced labour – Food and beverage industry:

Fair Work Ombudsman v Maroochy Sunshine Pty Ltd & Anor [2017] FCCA 559

Maroochy Sunshine was a labour hire business contracting labourers to farmers in Queensland. In 2014, 22 workers from Vanuatu were employed Maroochy Sunshine to undertake seasonal work in the horticulture industry. The workers were lured by false promises about the amount of work available and the pay that would receive for that work.

Evidence was given that, upon arrival in Australia, the workers were immediately taken to an isolated, rural area, were not provided with any money to buy food, were unable to call their families, did not have access to transportation, were forced to sleep in cramped living quarters or on buses, and were verbally abused by the director of Maroochy Sunshine.

The labour hire company and its director were ordered to pay a combined penalty of \$227,300 for offences under the *Fair Work Act* (Cth).

3) High risk industries/high risk products in supply chains include:

- **Information Communication and Technology (ICT)** (Laptops, computers and mobile phones).
- **Textiles, clothing and footwear** (Clothing, cotton, carpets)
- **Agriculture and fisheries** (Cattle, sugarcane, fish, rice, timber, cocoa)
- **Mining** (Gold, coal, diamonds)
- **Construction** (Use of raw and manufactured products from imported supply markets from high risk locations and workforce risk)
- **Meat processing** (workforce risk)
- **Domestic work** (workforce risk)
- **Cleaning** (workforce risk)
- **Hospitality** (workforce risk)
- **Food services** (workforce risk)
- **Security** (workforce risk).

The table below shows where Queensland Government may be at risk of contributing to modern slavery based on spend value with particularly higher risk categories of products, goods or services – as per government procurement spend data financial year 2019-2020. As an agency, you should consider where your spend is attributed and where it may be contributing to modern slavery based on the prevalence of the high risk factors.

Table 1: Product risk and associated value based on whole-of-government procurement spend summary for Queensland Government (FY 20/21) by Australia and New Zealand Standard Industry Classification (ANZSIC) and government spend category*

Product or industry at risk of modern slavery in supply chains	Estimated procurement spend (FY19/20 - 20/21)	Spend category
Clothing and safety equipment	\$21 million	General Goods and Services
Food and beverages	\$108 million	General Goods and Services
Construction	\$4.28 billion	Building Construction and Maintenance Services/ Transport Infrastructure and Services
Manufacturing	\$197 million	Building Construction and Maintenance Services/Transport Infrastructure and Services
Agriculture and fisheries	\$20 million	Building Construction and Maintenance Services/Transport Infrastructure and Services
Accommodation and food services	\$148 million	General Goods and Services
Information, media and telecommunications	\$229 million	Information Communication and Technology
Administrative and support services (includes labour hire)	\$496 million	General Goods and Services

* Note: this table represents whole figures, is indicative only and should not be relied upon in lieu of agency-captured data and open-data reported figures.

Queensland Government agencies/entities could be exposed to the risk of modern slavery occurring in supply chains in many ways in procurement.

For example, in the Medical Goods and Services Category there are increased risks due to the diversity of healthcare products and services sourced from a wide range of geographic locations.

Some of the modern slavery risk areas present in the supply chain could include:

- Poor labour practices in offshore manufacturing facilities that produce health supplies (e.g. PPE, surgical masks, gloves, textiles, electronics, some of which are located in South-East Asia - an area known for a high prevalence of modern slavery)
- Poor labour practices in the sourcing of raw materials (e.g. cotton and rubber)
- Sudden increased global demand due to COVID-19 pandemic may have increased modern slavery risks in some supply chains due to shorter production windows, factory closures, and inability of vulnerable migrant workers to return to their home countries.

4) High prevalence locations

As a region, Asia and the Pacific (including Australia), has the highest prevalence of modern slavery representing **62 per cent of the global estimate**, according to the [2018 Global Slavery Index report](#)

produced by the Walkfree Foundation. This means that the likelihood of indirect exposure to modern slavery in Queensland Government procurement spend may be higher because of proximity and particularly where products, labour or raw materials in the supply chain are being sourced from neighbouring countries.


The table below is a list of the top 28 countries in the Asia Pacific region ranked in order of the estimated highest prevalence of modern slavery per 1,000 population – with Australia ranked at 25, taken from the [2018 Global Slavery Index report on Asia Pacific region](#). Noting that for the two largest populated countries in the region, being India and China, the combined estimated numbers for these two countries alone is nearly 12 million victims of modern slavery.

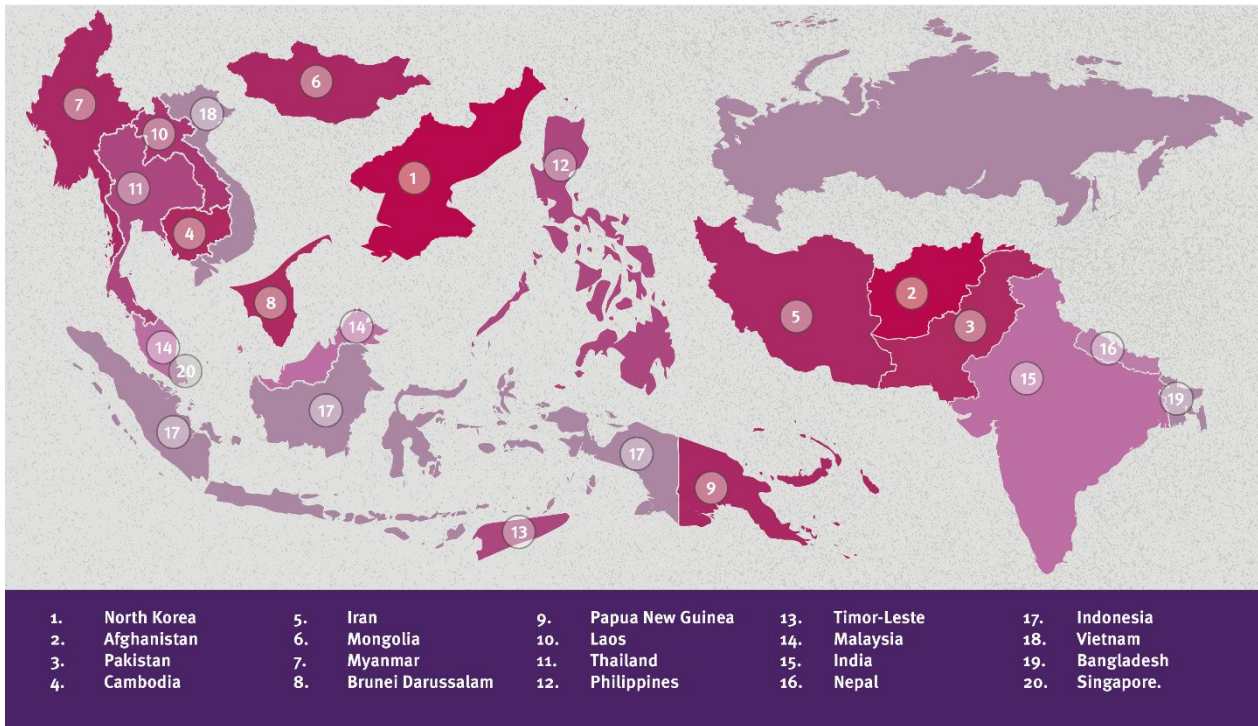
Table 2: Extract from [2018 Global Slavery Index report on Asia Pacific region](#) – “Table 15: Estimated prevalence of modern slavery by country, Asia and the Pacific”.

Rank	Country	Estimated prevalence (Victims per 1,000 population)	Estimated absolute number of victims	Population
1	North Korea ^{***4}	104.6	2,640,000	25,244,000
2	Afghanistan	22.2	749,000	33,736,000
3	Pakistan	16.8	3,186,000	189,381,000
4	Cambodia	16.8	261,000	15,518,000
5	Iran	16.2	1,289,000	79,360,000
6	Mongolia	12.3	37,000	2,977,000
7	Myanmar	11.0	575,000	52,404,000
8	Brunei Darussalam	10.9	5,000	418,000
9	Papua New Guinea	10.3	81,000	7,920,000
10	Lao	9.4	62,000	6,664,000
11	Thailand	8.9	610,000	68,658,000
12	Philippines	7.7	784,000	101,716,000
13	Timor-Leste	7.7	10,000	1,241,000
14	Malaysia	6.9	212,000	30,723,000
15	India	6.1	7,989,000	1,309,054,000
16	Nepal	6.0	171,000	28,656,000
17	Indonesia	4.7	1,220,000	258,162,000
18	Vietnam	4.5	421,000	93,572,000
19	Bangladesh	3.7	592,000	161,201,000
20	Singapore**	3.4	19,000	5,535,000
21	China**	2.8	3,864,000	1,397,029,000
22	Sri Lanka	2.1	44,000	20,714,000
23	South Korea **	1.9	99,000	50,594,000
24	Hong Kong, China**	1.4	10,000	7,246,000
25	Australia	0.6	15,000	23,800,000
26	New Zealand	0.6	3,000	4,615,000
27	Taiwan**	0.5	12,000	23,486,000
28	Japan**	0.3	37,000	127,975,000

⁴ **Substantial gaps in data exist for the Central and East Asia subregions where, with the exception of Mongolia, surveys cannot be conducted for reasons such as (i) survey is only delivered face-to-face, (ii) survey is delivered only in the main language which many migrant workers do not speak, or (iii) national authorities would not, or were unlikely to, consent to the module on modern slavery. Unlike several countries in Western Europe where no surveys were conducted, none of the countries in these subregions were identified as sites of exploitation by respondents in the 48 countries where surveys were implemented.

WORLD MAP OF MODERN SLAVERY

 Listed are the top 20 countries^[1] ranked in order of highest prevalence of modern slavery, which may be referenced to facilitate assessing the risk factor of geographical location.



Geographical location risk includes where a country has inadequate protections for workers, including no or limited capacity to effectively monitor workplace standards and enforce compliance with national standards (e.g. absence of national or state legislation, regulations and commissions to remedy employment and workforce concerns).

This list is not exhaustive, and countries where there is known modern slavery related to a particular product (e.g. Democratic Republic of Congo as the major source of the world's cobalt used for computer technology), should also be included in supply chain risk assessments suited to your agency.

For example, if ICT products are a significant part of your agency's business or for suppliers on common-use arrangements to the ICT Category, understanding the geographical location of product or raw material sources may be more proportionately appropriate.

According to the Global Slavery Index 2018 country study on Australia:

73 per cent of Australia's laptops, computers and mobile phones are imported from China and Malaysia, both countries with large manufacturing industries known for exploitation of workers.

More than **70 per cent** of Australia's imported clothes are sourced from countries where the textiles, clothing and footwear industry is considered a risk.

Vulnerable populations

Some groups may be at higher risk of being victims of modern slavery, such as women, international students and young people, people with disability and migrant workers. For example, women can be disproportionately impacted by modern slavery due to structural disadvantages, including lack of access to education, cultural and religious doctrines.

Refer to [‘Useful information and resources’ section](#) for understanding, assessing and responding to modern slavery in supply chains.

Case example – Forced labour and human trafficking – Cleaner: [R v Pulini & Pulini \[2019\] QCA 258](#)

On 12 April 2019, a Queensland couple became the first offenders to be convicted of forced labour offences by an Australian Court. Whilst both defendants pleaded guilty to the lesser charges of harbouring an unlawful citizen at the commencement of their Queensland District Court Trial, a jury ultimately held that both perpetrators were guilty of forced labour offences. One perpetrator was also convicted of the additional offence of human trafficking.

In 2008, the couple brought a Fijian woman who had previously worked for them in Tonga to work in their home because a “live-in domestic servant” was “missing” from their life in Australia. The Fijian woman arrived on a tourist visa and had her passport immediately confiscated by the husband. The couple had promised the victim that they would assist her in obtaining a long-term visa. The victim was forced to work long hours as a domestic servant, receiving only \$150 to \$250 per fortnight. The victim’s duties included being the nanny, maid and cook. The Court heard that the couple never intended to legitimise the victim’s visa status and instead intended to make her more vulnerable.

In sentencing, Judge Leanne Clare describe the crime as “callous” and “calculated”, noting that the couple treated the victim like a servant who was made to feel of little value. Her Honour highlighted how the couple exploited the victim’s poverty and desire to be in Australia and how the imbalance of power was heightened because of the woman’s illegal immigration status.

The husband was sentenced to 6 years imprisonment whilst his wife received a 5 year prison sentence.

Risk assessment

In acknowledging that government supply chains can be complex, and procurement operational processes are structured to allow efficiency and value for money to occur, a risk-based approach to eliminating modern slavery is recommended in the first stages. Not only does this allow focus to be on procurement activities and suppliers identified as higher risk (according to the modern slavery high risk factors and predictors) and higher value, but it provides opportunity to develop public sector capability and implement modifications to existing procurement processes to embed supply chain visibility and ethical procurement as business-as-usual procedures for new procurements.

Risks can occur irrespective of supplier size or contract value. Though it is recommended and practical to take a risk and value approach in the first instance focussing on larger companies attributing significant

agency investment, it is recommended that this then be phased to assessing risk regardless of value or business size.

Additional actions that support comprehensive risk assessment and management processes include, mapping supply chains, engaging with suppliers, auditing, collaboration across industry and establishing best practices in procurement.

The Australian Government has published a guide on modern slavery: [Modern Slavery Toolkit for Government Procurement Officers](#) that contains a [Risk Screening Tool](#) (see page 6) – which Queensland government procurement officers may find useful.

The Australian Government has also published [Commonwealth Modern Slavery Act 2018 Guidance for reporting entities](#) which discusses risk assessment and mapping supply chains broadly as part of preparing a modern slavery statement, and provides some detailed examples.

Note: Commercial judgement should be applied when undertaking any of the key recommended actions and independent legal advice should be sought where appropriate.

Assessing existing contracts

In applying the key recommended actions, procurement professionals should take actions proportionate to the size of the contract, and particularly on existing contracts, the size of the supplier.

The QPP has commitments for increasing spend with small and medium enterprises (SMEs), social enterprises and Aboriginal and Torres Strait Islander businesses, as core to economic growth and long-term community wellbeing.

A target has been set to increase spend with SMEs to 30 per cent by June 2022, both through targeted procurement activities and in project supply chains.

When implementing actions to improve supply chain visibility and reduce risk of modern slavery, it is important to take into account and, where necessary, adapt the approach to ensure unnecessary burdens or barriers to SMEs, social enterprises and Aboriginal and Torres Strait Islander businesses are removed.

Key recommended actions:

- **Carry out a high-level risk assessment** – this can be categorising agency spend against known industries or product risks and applying a targeted approach in the first instance, maturing to all contracts as capability and confidence grows (Refer to [Table 1](#) in previous section)
- **Conduct supply chain mapping** – establishes more precisely the risks in relation to suppliers and supply chains of a particular contract, and should be conducted when your supplier is high risk. Suppliers can be categorised based on the prevalence of the [high risk factors](#) in the previous section of this guide. Start with Tier 1 suppliers and utilise information from submitted Modern Slavery Statements to inform your mapping results. You can access and search the national modern slavery reporting register here: <https://modernslaveryregister.gov.au>
- **Invite suppliers to complete the [Tool 4: Supplier Self-assessment Questionnaire](#)** if appropriate (this should be applied taking into account the type and size of supplier (e.g. SMEs, social enterprises, Aboriginal and Torres Strait Islander businesses), their knowledge and

capability, and engagement style (e.g. verbal communication or an informal conversation could obtain the same outcome as the questionnaire)

- **Apply strengthened contract management and supplier relationship management activities** to manage risks, working with suppliers to continuously improve.

Identifying and managing risks in new procurements

New procurements present the opportunity to embed risk management, monitoring and reporting requirements into existing agency procurement systems and processes. At a minimum, agencies/entities should ensure the following occurs:

- Review and amend agency procurement guidance, processes and any related documentation for alignment with the QPP and other ethical procurement considerations
- Design new procurements to take account of modern slavery risks (e.g. requiring suppliers to comply with the Supplier Code of Conduct in tenders)
- Review and amend contract management processes and any related documentation (e.g. strengthen focus on supplier relationships).

Building and Construction procurement example:

Procuring building and construction works, which involve a reliance on subcontracted workers, may have some characteristics which signal a risk of modern slavery:

- Industry (construction)
- Nature of the work (dangerous or physically demanding work)
- Business/supply chain model (reliance on subcontracted workers)
- Products (raw materials - timber, sand for concrete).

You may want to identify any industry-specific labour or employment standards that are applicable to the contract in the specification and consider including compliance with these as a condition of contract (such as adherence to the [Ethical Supplier Threshold](#) and/or International Labour Organisation (ILO) [Labour Standards](#)).

Key recommended actions to address the risk of modern slavery

Mitigating modern slavery risks should be considered throughout the procurement process. The approach taken and any associated measures should be proportionate to the risk associated with the procurement activity and relevant to the contract.

The key recommended actions set out in the table below describe how modern slavery risks could be addressed at each stage of the procurement process:

Table 3. Key recommended actions

Stage	Key recommended actions
Planning	Complete Tool 1: Procurement planning questions to help prompt modern slavery considerations for your procurement activity before going to market.

Stage	Key recommended actions
	<p>Pre-procurement: early market engagement:</p> <ul style="list-style-type: none"> • This is where the agency can engage as widely as possible with the market on human rights abuses and modern slavery so that any issues can be factored into the design, planning and risk profile of the contract. Early market engagement forms part of activities to collaborate with industry and enhance education and communication opportunities • Information gathered during early engagement can be used to inform whether modern slavery is relevant to the particular procurement activity and the subsequent contract being set-up. <p>Invitation document development:</p> <ul style="list-style-type: none"> • Using invitation templates which include and/or reference standard terms and conditions relating to ethical considerations (such as the <i>Modern Slavery Act 2018</i> (Cth), Supplier Code of Conduct and where appropriate the Ethical Supplier Mandate). Refer to the General Goods and Services Category clauses incorporated in the standard terms and conditions (See also Tool 2: Sample contract clauses) • Developing and incorporating monitoring (i.e. auditing) and reporting (e.g. capability building) requirements in the invitation document and resulting contract, as assurance that the supplier understands modern slavery and any legislative obligations (particularly for reporting entities).
Go to market and evaluate	<p>Specification stage:</p> <ul style="list-style-type: none"> • Managing risk of human rights abuses and modern slavery in supply chains can be included in specifications where these issues are relevant • It is possible to describe specifications in terms of performance/functional requirements and to specify production processes or products provided they are relevant to the requirement • Where relevant, you could also specify particular standards such as a technical standards, providing you do not favour one particular certification system without also allowing for equivalent standards. For example, you cannot specify certification with Ethical Clothing Australia, as a technical specification in tenders without also allowing for other equivalent standards (e.g. Child Labour Free) • Any specifications should be transparent and not discriminate against particular suppliers • These core requirements may also be specifically reflected in the conditions of contract (e.g. outline in tender process what the supplier needs to do). <p>Selection stage:</p> <ul style="list-style-type: none"> • It is essential not to burden tenderers with unnecessary requests for data and information. What are your minimum requirements going to be, for example, if a supplier has submitted a Modern Slavery Statement it can be used to demonstrate compliance with the <i>Modern Slavery Act 2018</i> (Cth) or the supplier has policies and practices that can address supply chain risks of modern slavery (e.g. regular audit processes, workforce agreements).
Manage and administer contract	<p>Award stage:</p> <ul style="list-style-type: none"> • Be aware that many suppliers are likely to be new to the concept of modern slavery. It is better to engage in a process of continuous improvement that is embedded into contracts rather than making it an arduous in relation to suppliers supplying information and data

Stage	Key recommended actions
	<ul style="list-style-type: none"> For transparency and to signal the importance of modern slavery, human rights and government expectations on suppliers, contract terms and conditions should reflect the requirements presented in tender documentation and include, where relevant, specific contractual clauses (Refer to Tool 2: Sample contract clauses) Applying contract clauses is critical to support future remedy actions, should instances of modern slavery be identified at any point during the contract. <p>Contract management:</p> <ul style="list-style-type: none"> The focus for contract management is on continuous improvement and supplier relationship management. Collaborate with suppliers to establish a fair and proportionate approach to keep track of modern slavery and human rights abuses e.g. monitoring supplier meetings, applying practical performance measures, auditing through annual Supplier Self-assessment Questionnaires.

What to do if you identify modern slavery

In addressing your agency's modern slavery risks, you may identify suspected situations of modern slavery in your operations or supply chains. Collaboration is key to eliminating modern slavery.

Opportunity for continuous improvement

Depending on the identified situation (e.g. whether there is immediate danger or risk to a person/s) the severity of the situation will guide your best action. Where the risk identified is able to be managed by working with the supplier to address or eliminate the risk, a process of continuous improvement and aiming for better practices is encouraged in the first instance.

You will be able to respond more effectively if your agency has a pre-agreed process in place to guide your actions. If your agency does not have an existing internal policy or process setting out how to respond to an identified or alleged situation of modern slavery (or other human rights impacts) you should develop one as part of the process of due diligence and ongoing contract management. Refer to [Tool 3: Protocol for reporting modern slavery](#) for guidance on reporting possible modern slavery instances to law enforcement agencies.

You may also be able to respond more effectively to modern slavery situations if you are able to engage directly with key stakeholders who understand the local operating context, such as not-for-profit providers and other community support groups and their representatives. Building trusted relationships with these community stakeholders in advance can help ensure you are able to respond appropriately if modern slavery is identified locally.

Compliance remedies

The [QPP Compliance Unit](#)⁵ aims to ensure successful tenderers for government contracts meet their commitments of the QPP and [Buy Queensland](#)⁶ approach. This unit provides a safe avenue to ensure everyone plays by the rules of the [Buy Queensland](#) approach for government contracts, especially when it

⁵ www.epw.qld.gov.au/about/strategy/buy-qld/compliance-complaints

⁶ www.epw.qld.gov.au/about/strategy/buy-qld

comes to ensuring ethical behaviours of suppliers, through auditing commitments to [Best Practice Principles](#)⁷ on major projects, breaches of the [Ethical Supplier Mandate and Ethical Supplier Threshold](#)⁸, and investigating complaints of non-compliance with contractual agreements to comply with the [Supplier Code of Conduct](#)⁹.

Clause 4.4 of the [Supplier Code of Conduct](#) includes an expectation that the supplier make reasonable efforts to ensure their supply chain is not contributing to modern slavery or human rights abuses. Clauses for contract terms and conditions and tender documents exist for agencies/entities to ensure there is agreement by the supplier to meet the expectations of government to do business with ethically, environmentally and socially responsible suppliers. These can be found in the [General Goods and Services Category templates, which have standard terms and conditions](#)¹⁰. If the procurement activity is identified to be exposed to higher risk, you may wish to also obtain a [Supplier Code of Conduct Declaration](#)¹¹, as a separate formal commitment to further signal the importance of adhering to the Supplier Code of Conduct as a supplier to government. Refer to [Tool 5: Supplier Code of Conduct – Continuous improvement supplier guide](#) for information on how suppliers can improve compliance with the Code. Where continuous improvement practices do not result in supplier compliance, further action could be taken to through contractual remedies (i.e. termination of contract).

Refer to [Tool 3: Protocol for reporting modern slavery](#), which can be undertaken by both reporting and non-reporting entities, as appropriate.

Additionally, suppliers engaged in works related to categories subject to Ethical Supplier Mandate obligations, may also risk attributing demerit points and possible sanction for breaches of the Supplier Code of Conduct raised under section 2.2 of the [Ethical Supplier Mandate guidance](#)¹². Minor, moderate or major demerit measures may be applied to '*non-compliance with procurement, tendering and other applicable government policy*', which can include the Supplier Code of Conduct (as the mechanism for ensuring Clause 2.2 of the QPP is achieved) and/or modern slavery specific contractual terms.

Immediate action

Modern slavery involves serious crimes and severe harm to victims. You should report any suspected situations of modern slavery to the Australian Federal Police. If someone is at risk of immediate harm call Triple Zero (000). This will ensure the situation is properly investigated, any victims are identified and protected and that the perpetrators are held to account.

Contacts

To report a crime or suspicion of modern slavery contact the Australian Federal Police (AFP) at <https://www.afp.gov.au/contact-us> or 131 444.

If you are a victim of trafficking or know someone who is contact the AFP on 131AFP (131237) or email A OCC-Client-Liaison@afp.gov.au.

In emergency circumstances contact 000 (Police).

Other useful contacts for assistance:

- Crimestoppers – Phone: 1800 333 000
- Forced marriage prevention - Web: <https://mybluesky.org.au/>
- National Security Hotline – Phone: 1800 123 400.

⁷ www.epw.qld.gov.au/about/strategy/buy-qld/about/best-practice-principles

⁸ www.epw.qld.gov.au/about/strategy/buy-qld/about/ethical-suppliers

⁹ www.forgov.qld.gov.au/queensland-government-supplier-code-conduct

¹⁰ www.forgov.qld.gov.au/general-goods-and-services-templates

¹¹ www.forgov.qld.gov.au/queensland-government-supplier-code-conduct

¹² www.forgov.qld.gov.au/search-procurement-resources/ethical-supplier-mandate

Contact details for the QPP Compliance Unit are:

- *Buy Queensland* audits and investigations
 - Email: BuyQLDAudit@hpw.qld.gov.au
 - Phone: 1300 10 50 30, option 2 (9.00am to 5.00pm, Monday to Friday).
- Ethical Supplier Mandate and Threshold
 - Email: ethicalsupply@hpw.qld.gov.au
 - Phone: 1300 10 50 30, option 3 (9.00am to 5.00pm, Monday to Friday).

Capability building and training

Training of government buyers and suppliers are priority activities in the establishing and implementing phase of the [Eliminating modern slavery in government supply chains: Framework and priority actions roadmap](#). Raising awareness of modern slavery in your procurement teams and across the agency, through training, is a fundamental first step to eliminating modern slavery in government supply chains.

Training and advice options

There are a number of providers delivering modern slavery training, from basic general awareness of modern slavery, extending to practical requirements of the [Modern Slavery Act 2018](#)¹³ (Cth).

Anti-Slavery Australia is a not-for-profit organisation, in collaboration with University of Technology Sydney, have developed a range of training options and an advisory service. The general training is suitable for high school students, university students, community and frontline workers, educators, and the public, who want to learn more about modern slavery.

Training options available are both free and fee for service:

- eLearning modules that can be integrated into your agency's corporate Learning Management System
- Face to face training sessions tailored to your agency, or business areas particular needs
- Webinar sessions, general and tailored content.

For more information contact Anti-Slavery Australia on (02) 9514 9660 or email antislavery@uts.edu.au.

Chartered Institute of Procurement and Supply (CIPS) offers members free access to the [Ethical Procurement and Supply eLearning and test](#)¹⁴ with a small fee for non-members, as well as a [Modern Slavery Awareness](#)¹⁵ training course.

The Modern Slavery Business Engagement Unit, within the Australian Border Force, provides general advice and support to entities about compliance with the legislation and also offer a free eLearning module to support training of procurement officers in understanding modern slavery and ethical procurement practices.

- Training is available at <https://modernslaveryregister.gov.au/training/>.

Any queries regarding the obligations of the *Modern Slavery Act 2018*, reporting requirements, and preparing and submitting annual Modern slavery statements, should be directed to the Modern Slavery Business Engagement Unit via email for slavery.consultations@abf.gov.au and visit <https://www.homeaffairs.gov.au/criminal-justice/Pages/modern-slavery.aspx>

If you are a reporting entity, your agency may have already developed internal training for your staff regarding modern slavery and reporting requirements. There is no preferred source of training, any

¹³ www.legislation.gov.au/Details/C2018A00153

¹⁴ www.cips.org/learn/e-learning/ethical-procurement-and-supply/

¹⁵ www.cips.org/learn/training/australia/modern-slavery/

educational option is encouraged to activate raised awareness of modern slavery in your agency, for your suppliers and to work towards embedding ethical procurement into business-as-usual thinking.

General procurement training

[Skills2Procure](#)¹⁶ is the Queensland Government training and development initiative for people at all stages of the procurement process, including procurement and contract management staff, employees who support procurement and contract management staff, and agency leadership.

[Skills2Procure](#) is managed by the Department of Energy and Public Works, through Queensland Government Procurement, supporting agencies/entities to build capability for staff undertaking procurement and contract management-related roles and tasks.

[Procurement awareness training](#)¹⁷ is available as free eLearning courses for all Queensland Government departments. It provides an introductory overview to the QPP, outlining the six key principles and other foundational skills training for contract management and social procurement.

Useful information and resources

There is a wealth of information and resources available to support your agency to develop internal systems and processes that work for your business needs and maturity. Here is a list of resources used to inform the development of this guide and where you can find more detailed information on modern slavery and ethical procurement practices.

- [Ethical Trading Initiative \(ETI\)](#)¹⁸
ETI brings corporate, trade union and voluntary sector members together in a unique alliance to improve the lives of the most vulnerable workers in global supply chains
 - [ETI Base Code](#)¹⁹
 - [Modern Slavery in supply chains](#)²⁰.
- [Walk Free Mindaroo Foundation](#)²¹
Walk Free undertakes research to build the world's most comprehensive evidence-base of modern slavery – the Global Slavery Index. Walk Free partners directly with stakeholders to liberate people trapped in slavery around the world and campaign for the cause by working with political, business, religious and community leaders to drive change.
 - [Tackling modern slavery in the supply chain: a guide](#)²²
 - [Eradicating modern slavery](#)²³.
- [Global Slavery Index](#)²⁴
The Global Slavery Index provides a country by country ranking of the number of people in modern slavery, as well as an analysis of the actions governments are taking to respond, and the factors that make people vulnerable.
- [Anti-Slavery Australia](#)²⁵

¹⁶ www.forgov.qld.gov.au/training-overview

¹⁷ www.forgov.qld.gov.au/procurement-and-contract-management-elearning-courses

¹⁸ www.ethicaltrade.org

¹⁹ www.ethicaltrade.org/resources/eti-base-code

²⁰ www.ethicaltrade.org/resources/modern-slavery-supply-chains

²¹ www.mindaroo.org/walk-free/#overview

²² <https://cdn.mindaroo.org/content/uploads/2019/05/27144943/TacklingModernSlaveryInSupplyChains20141-1.pdf>

²³ www.walkfree.org/resources/

²⁴ www.globalslaveryindex.org

²⁵ <https://antislavery.org.au>

Dedicated to the abolition of modern slavery and to protect the human rights of human trafficked and enslaved people through research, policy development, law reform, professional practice, education and advocacy.

- **[International Labour Organisation](#)**²⁶

The only tripartite United Nations agency which brings together governments, employers and workers of 187 member states to set labour standards, develop policies and devise programmes promoting decent work for all men and women.

- **United Nations**

The United Nations outlines 17 goals for sustainable development which provide substantive support and capacity building.

- [The 2030 agenda for sustainable development](#)²⁷
- [The human faces of modern slavery](#)²⁸.

- **[UK Government](#)**²⁹

- [Modern Slavery Act 2015](#)³⁰.

- **[Australian Government](#)**³¹

The Australian Border Force has developed guidance for reporting entities to assist in meeting obligations of the [Modern Slavery Act 2018 \(Cth\)](#) and drive Australian Government actions to reduce the risk of vulnerable workers in their government operations and supply chains being exposed to modern slavery.

- [Modern slavery resources](#)
- [Modern slavery register of Annual Statements from reporting entities.](#)

- **[Welsh Government](#)**³²

The Welsh Government has a range of information and guidance for professionals.

- [Code of practice: guide to implementing the living wage through procurement](#)³³
- [Code of practice: example questions, conditions and policies](#)³⁴
- [Code of practice: ethical employment in supply chains](#)³⁵.

²⁶ www.ilo.org/global/topics/forced-labour/lang--en/index.htm

²⁷ <https://sdgs.un.org/goals>

²⁸ www.ohchr.org/Documents/Issues/Slavery/UNVTCFS/UNSlaveryFund.pdf

²⁹ www.gov.uk/government/collections/modern-slavery

³⁰ www.gov.uk/government/collections/modern-slavery-bill

³¹ www.homeaffairs.gov.au/criminal-justice/Pages/modern-slavery.aspx

³² <https://gov.wales/modern-slavery-guidance-professionals>

³³ <https://gov.wales/sites/default/files/publications/2019-09/code-of-practice-guide-to-implementing-the-living-wage-through-procurement.pdf>

³⁴ <https://gov.wales/sites/default/files/publications/2019-09/code-of-practice-example-questions-conditions-and-policies.pdf>

³⁵ <https://gov.wales/sites/default/files/publications/2019-11/code-practice-ethical-employment-in-supply-chains.pdf>