

Working for business.  
Working for Australia



# Modern Slavery in Supply Chains Reporting Requirement: Response to Consultation Paper

October 2017



Australian  
Chamber of Commerce  
and Industry

**WORKING FOR BUSINESS.  
WORKING FOR AUSTRALIA**  
Telephone 02 6270 8000  
Email [info@acci.asn.au](mailto:info@acci.asn.au)  
Website [www.acci.asn.au](http://www.acci.asn.au)

#### **CANBERRA OFFICE**

Commerce House  
Level 3, 24 Brisbane Avenue  
Barton ACT 2600 PO BOX 6005  
Kingston ACT 2604

#### **MELBOURNE OFFICE**

Level 2, 150 Collins Street  
Melbourne VIC 3000  
PO BOX 18008  
Collins Street East  
Melbourne VIC 8003

#### **SYDNEY OFFICE**

Level 15, 140 Arthur Street  
North Sydney NSW 2060  
Locked Bag 938  
North Sydney NSW 2059

ABN 85 008 391 795  
© Australian Chamber of Commerce and Industry 2017

This work is copyright. No part of this publication may be reproduced or used in any way without acknowledgement to the Australian Chamber of Commerce and Industry.

#### **Disclaimers & Acknowledgements**

The Australian Chamber of Commerce and Industry has taken reasonable care in publishing the information contained in this publication but does not guarantee that the information is complete, accurate or current. In particular, the Australian Chamber is not responsible for the accuracy of information that has been provided by other parties. The information in this publication is not intended to be used as the basis for making any investment decision and must not be relied upon as investment advice. To the maximum extent permitted by law, the Australian Chamber disclaims all liability (including liability in negligence) to any person arising out of use or reliance on the information contained in this publication including for loss or damage which you or anyone else might suffer as a result of that use or reliance.

# Table of Contents

<b>Table of Contents</b>	<b>i</b>
<b>1. Introduction</b>	<b>1</b>
<b>2. Principles for considering any modern slavery legislation</b>	<b>5</b>
<b>3. Definition of Modern Slavery</b>	<b>8</b>
<b>4. Defining Reporting Entities</b>	<b>9</b>
<b>5. Revenue Threshold</b>	<b>11</b>
<b>6. Definitions of operations and supply chains</b>	<b>13</b>
<b>7. Responses and cost estimates</b>	<b>15</b>
<b>8. Reducing regulatory impact</b>	<b>19</b>
<b>9. Reporting criteria</b>	<b>20</b>
<b>10. Central repository</b>	<b>22</b>
<b>11. Encouraging compliance</b>	<b>25</b>
<b>12. Publication deadline</b>	<b>26</b>
<b>13. Initial phasing-in</b>	<b>27</b>
<b>14. Monitoring and evaluation</b>	<b>28</b>
<b>15. Oversight</b>	<b>29</b>
<b>16. Other options</b>	<b>31</b>
<b>About the Australian Chamber</b>	<b>32</b>
<b>Australian Chamber Members</b>	<b>33</b>



# 1. Introduction

1. The Australian Government released *Modern Slavery in Supply Chains Reporting Requirement – Public Consultation Paper and Regulation Impact Statement* (Consultation Paper) inviting comment. The Consultation Paper has been informed by the recommendations of the Joint Standing Committee on Foreign Affairs, Defence and Trade in 2013 and the multi-stakeholder supply chains working party. The Australian Chamber of Commerce and Industry (Australian Chamber) was not a member of the working party.
2. The Consultation Paper identifies the Government’s proposal to establish a modern slavery in supply chains reporting requirement and its current thinking about what that should look like (Preferred View).

*The Australian Government recognises that we need to take action to better support and equip the business community to address modern slavery. We have a responsibility to ensure Australia’s response to modern slavery is as effective as possible and there are clear reasons why Government action is the best solution in this context. Internationally, a number of countries have strengthened their responses to modern slavery and these measures provide important examples for Australia.<sup>1</sup>*

3. The Government has also held consultation roundtables about the Consultation Paper. The Australian Chamber attended, as did some of its members. It is fair to say that although businesses have been engaged with the development of the Government’s thinking and its Preferred View, these businesses and their representatives are actively engaged and are the leaders in this field, that are aware and active. They bring insight and understanding of the problems, but they also have a level of understanding which is well in advance of the mainstream of the Australian business community, and those who would directly and indirectly be drawn into any reporting regime. This is exemplified by the insight brought by the 2015 Ashridge Study<sup>2</sup> of engaged employers on their responses to supply chain transparency.
4. To date business at large, particularly those in industries where there are not perceived to be problems or there has not been public pressure, is not thinking about the Government’s Preferred View.

---

<sup>1</sup> P 8, *Modern Slavery in Supply Chains Reporting Requirement – Public Consultation Paper and Regulation Impact Statement*

<sup>2</sup> *Corporate approaches to addressing modern slavery in supply chains – a snapshot of current practice*, Ashbridge Centre for Business and Sustainability at Hult International Business School, 2015

5. This situation is little different from the development and implementation of the *Modern Slavery Act 2015* (UK) (UK MS Act). It is pleasing that the Government identifies its task as being to assist business develop its capacity and to consult on the development of any legislation.
6. This situation is not a reason to do nothing, and the Australian Chamber does not seek this, but, particularly having regard to the fact that the Consultation Paper would also form the basis of the Regulatory Impact Statement, it is a reason to shape any legislation which is proceeded with and its introduction recognising the need for incremental development and bringing the business community with this process. It is a reason to re-consider Option 2, or modifying Option 3 to provide for and identify the substance of a modern slavery in supply chains report but not require it of the reporting entities it covers. Such an approach would allow time for novice reporting entities to develop an understanding of reporting and what activity lies behind a proper report.
7. Appendix 1, *Regulation Impact Statement Summary*, identifies the problem of 21 million victims of forced labour<sup>3</sup> leading to the risk that Australian businesses, consumers and investors are likely to be benefitting from forced labour in business' supply chains and identifies a lack of government support for the business community to respond to the risk. The recommended option is:

*A Modern Slavery in Supply Chains Reporting Requirement will require large corporations and entities operating in Australia to report annually on their actions to address modern slavery in their operations and supply chains. This measure will only require entities to report. It does not create a due diligence regime nor require entities to certify their supply chains are slavery-free.*<sup>4</sup>
8. It is true that the proposed requirement to issue a modern slavery in supply chains statement does not require a reporting entity to establish a due diligence process. It is not the case that a business which currently undertakes no activity with respect to assuring itself about its supply chains would be, under the Preferred View, able to just write a report. The Preferred View is not a counterpart to the UK MS Act capacity to opt to do nothing, and to be judged on the consequences of such an approach.

## The Australian business community

9. The Australian business community, represented by the Australian Chamber and its members, comprises formal, visible commercial organisations that range from major

---

<sup>3</sup> An estimated 20% of these victims are being criminally forced by governments.

<sup>4</sup> P 21, *Modern Slavery in Supply Chains Reporting Requirement – Public Consultation Paper and Regulation Impact Statement*

multinationals and Australia's largest corporations, through medium sized enterprises, to the many smaller businesses.

10. Its combination of population and geography, and now technology, means that the Australian economy remains characterised by a very large number of small businesses. As at 30 June 2016 there were 2,171,544 businesses in the Australian economy, of which 60.7% were not direct employers and a further 27.6% employed fewer than 5 employees. In total there were 1,917,987 micro-sized businesses<sup>5</sup>. Whether direct employers or not all these businesses supply tradeable goods or services, often to other businesses, and in many cases directly to large ones, and they may be drawn into any reporting regime, even if not directly falling within the defined cohort of reporting entities.
11. Particularly away from major city regions small employers are the dominant source of jobs and many of them also engage with their local community through sponsorship and assistance activities.
12. Approximately 86% of national employment is in the private sector<sup>6</sup>. Business has driven and continues to drive, the economic and social progress of all Australians. The Australian Chamber unashamedly believes that business, and the doing of business is a force for moral good as well as for social and economic progress. It is a force for good for individuals and communities throughout our country and for the many other countries we trade with.
13. Australian business engages a wide range of regulatory processes, domestically and internationally. This includes almost a century of engagement by Australian employers, unions and government with the International Labour Organisation's (ILO)<sup>7</sup>. The ILO's mandate of decent work for all recognises the need for sustainable businesses and their role in the provision of decent work.
14. In Australia there has been consistent tripartite support to combat slavery/ forced labour.
15. Australia is a modern, globalised economy, the 13<sup>th</sup> largest in the world, and it is appropriate that Australia continue to play its part in combatting the ongoing globe wide abomination of slavery and forced labour, and given its values and its regional presence, that Australia should take a leadership role. Australia is doing this through such programmes as the Bali Process and the *National Action Plan to Combat Human Trafficking and Slavery 2015-19*.

---

<sup>5</sup> Source, Table 13, ABS 8165.0, *Counts of Australian Businesses, including entries and exits* issued 21 Feb 2017

<sup>6</sup> August 2017, *Labour Force, Australia, Detailed, Quarterly*, ABS Cat 6291.0.55.003

<sup>7</sup> The Australian Chamber is the most representative organisation of employers and nominates the employer delegation to the International labour conference and ad hoc working parties.

16. Australian national legislation is consistent with relevant international conventions and protocols and is adapted to the nature of and processes associated with modern slavery in and around Australia. It is responsive, most recently with the expansion of the crime of forced marriage in the *Criminal Code* and reform of associated penalties.

## 2. What is Modern Slavery?

17. The Australian Chamber welcomes the growing discussion about modern slavery and the awakening community awareness of it. The Chamber also recognises and welcomes the improving co-ordination between responsible regulators and the recognition amongst regulators of the need to get better at identifying instances of modern slavery and responding to what they find.
18. There is also a growing awareness within the business community of the presence of modern slavery in our region and the need to combat it. Nonetheless “modern slavery” is something of a term of art. It is not a defined term in the UK MS Act notwithstanding that act’s short title. Modern slavery is not defined in the Australian *Criminal Code*, nor is the term used there. Its meaning is a fundamental threshold question upon which the case for, and responses to, any legislative or regulatory proposals must hang. The Consultation Paper states

*Estimates indicate there are up to 45.8 million victims of modern slavery worldwide. The Australian Government has established a strong response to modern slavery over the past 14 years but there is more work to be done.<sup>8</sup>*

19. However, the consultation paper also draws attention to the lack of a prevailing definition of modern slavery.

*Human trafficking, slavery and slavery-like practices such as servitude, forced labour and debt bondage are severe violations of human rights and serious crimes. Collectively, these exploitive practices are often described as ‘modern slavery’*

*Globally, there is no single agreed estimate of the total number of modern slavery victims. Non-government estimates suggest there are up to 45.8 million people in modern slavery around the world. The International Labour Organization (ILO) estimates approximately 21 million people worldwide are held in forced labour alone. Sixty-eight per cent of these forced labourers are exploited in economic activities and more than half are exploited in the Asia-Pacific region.<sup>9</sup>*

20. This points to the importance of context and what’s actually being addressed. The recently released ILO, Walk Free and International Organisation for Migration report, *Global estimates of modern slavery: forced labour and forced marriage* says:

---

<sup>8</sup> P 5, *Modern Slavery in Supply Chains Reporting Requirement – Public Consultation Paper and Regulation Impact Statement*

<sup>9</sup> P 6, *Modern Slavery in Supply Chains Reporting Requirement – Public Consultation Paper and Regulation Impact Statement*

*In the context of this report, modern slavery covers a set of specific legal concepts including forced labour, debt bondage, forced marriage, other slavery and slavery like practices, and human trafficking. Although modern slavery is not defined in law, it is used as an umbrella term that focuses attention on commonalities across these legal concepts. Essentially, it refers to situations of exploitation that a person cannot refuse or leave because of threats, violence, coercion, deception, and/or abuse of power.*

*The Global Estimates of Modern Slavery focus on two main issues: forced labour and forced marriage. The estimate of forced labour comprises forced labour in the private economy (forms of forced labour imposed by private individuals, groups, or companies in all sectors except the commercial sex industry), forced sexual exploitation of adults and commercial sexual exploitation of children, and state-imposed forced labour.<sup>10</sup>*

21. The distinction in this report within the umbrella term ‘modern slavery’ between ‘forced marriage’ and ‘forced labour’ is useful. In the context business supply chains, and business’ role in combatting modern slavery in its operations or supply chains, any national conversation in this country on modern slavery should proceed on the basis that it is defined and operationalised as “forced or compulsory labour”, which is explicitly defined in ILO Convention 29, *Forced Labour Convention, 1930 (C29)*. C26 has been ratified and reported on by Australia and 177 other countries:

*“forced or compulsory labour shall mean all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily”.*

22. This definition is also consistent with the approach in both the UK and the Australian Criminal Code and it relevantly underpins specified offenses. Government action to support business’ engagement with identifying and responding to modern slavery should focus on behaviour which breaches Australian criminal law, whether committed within Australia or outside, and not expand to cover behaviour which is unlawful but not in breach of criminal law.
23. Forced or compulsory labour is a particularly offensive crime, separately recognised by convention and in the implementation of the Sustainable Development Goals. The globally agreed focus on leaving no place for modern slavery should not be lost or diluted by trying to address too many objectives.

---

<sup>10</sup> P 9, *Global estimates of modern slavery: forced labour and forced marriage*, ILO, Walk Free, IOM, Geneva 2017

24. Civil breach of employment legislation is appropriately excluded from the Preferred View. Civil breaches, mainly offenses against the *Fair Work Act 2009*, are appropriately dealt with by those responsible regulators and under that legislation. This is not an area of regulatory inactivity. Increasingly the Fair Work Ombudsman is targeting areas where there is heightened vulnerability and risk, inter-regulator co-operation is increasing and the legislation itself is under constant scrutiny. Penalties and powers have recently been increased significantly.
25. The Australian Chamber welcomes the emphasis in the Consultation Paper on assisting business to play its part. Government activity to assist business to address modern slavery should focus on where the problems that business can do something about lie, that is, where is there likely (initially, most likely) to be forced labour in international suppliers to businesses operating in Australia?
26. Available evidence is that trafficking, as opposed to visa fraud, is not a significant risk in company supply chains within Australia. Visa breach presents capacity for coercion, but the available evidence suggests that this generally manifests in civil breaches of the *Fair Work Act 2009* and *Migration Act 1953* rather than breaches of the *Criminal Code*.
27. The Government's Preferred View is that a reporting requirement should address the criminal offenses under Divisions 270 and 271 of the *Criminal Code*, of slavery, servitude forced labour debt bondage and deceptive recruiting. Provided drafting recognises that offenses such as commercial sexual servitude or domestic forced labour is not going to show up in business' supply chains, this is an appropriate definition of modern slavery.
28. The Government has decided to support business' engagement with modern slavery. Its primary objective is to equip business to respond effectively to modern slavery and develop transparent supply chains. The Consultation Paper outlines a number of actions it can, and by implication, will, take in support of its primary objective.
29. Correctly in the view of the Australian Chamber, these focus on creating a better understanding of risks, creating a climate to encourage reporting, engagement with stakeholders and consultation with and guidance for business.

### 3. Definition of Modern Slavery

30. The first of the Consultation Questions is:

*Is the proposed definition of ‘modern slavery’ appropriate and simple to understand?*

#### **Add**

31. The Government’s Preferred View is to direct its proposed modern slavery in supply chains reporting requirement to five distinct offenses under the *Criminal Code* which are defined terms. These are slavery (defined at s 270.1), servitude (s 270.4), forced labour (s 270.6), debt bondage (s 490.7) and deceptive recruiting (s 270.7).
32. Subject to the proviso that these are also crimes which can be committed in the “private economy” without impact on or potential visibility in a business’ supply chains, they are crimes which can take place in supplier businesses. They are in this sense appropriate. The list of crimes does not exclude forms of *Criminal Code* modern slavery crimes which are likely to be committed in business’ supply chains. It is not incomplete.
33. The language of the *Criminal Code* in these divisions is not complicated, although it might be extended beyond what someone drafting a report would seek in some places, and the identified crimes are able to be described readily. For example the essence of debt bondage is that the amount of the debt which binds the victim to his or her exploiter or the amount of personal service required to extinguish the debt is manifestly excessive.
34. Drawing on the statutory offenses provides a relatively simple to understand focus and is consistent with the objective of the Divisions 270 and 271 of the *Criminal Code*. However, continuing with the example of debt bondage, the question also points to the issue of what a reporting entity should do to ascertain whether there is likely to be debt-bonded labour in one or more of its suppliers, or at least whether debt-bonded labour is something it should be thinking about when considering what it should be doing with its supply chains and how it should approach them.
35. These considerations do not impose a diligence obligation but they are questions which need consideration in thinking about drafting and signing off on a modern slavery in supply chains statement.

## 4. Defining Reporting Entities

36. The second of the Consultation Questions is in two parts:

*How should the Australian Government define a reporting 'entity' for the purposes of the reporting requirement?*

*Should this definition include 'groups of entities' which may have aggregate revenue that exceeds the threshold?*

### **Definition / threshold**

37. The Government's primary objective in its consideration of a modern slavery in supply chains reporting requirement is directed towards the business community. This is relatively widely defined. The Consultation Paper advises the Government currently proposes to include in the scope of reporting entity unincorporated associations, bodies of persons, superannuation funds and approved deposit funds, but not government entities.
38. The Consultation Paper also advises that the government is considering ways of demonstrating leadership through its procurement practices, perhaps linking them more generally to human rights. The Australian Chamber would not wish to see initiatives directed towards reducing commercial benefit from modern slavery diluted into a broader focus on human rights generally. Modern slavery is the especially egregious conduct to which discussion and focus to date has been directed and this should remain the focus as legislation is developed.
39. There may be good reasons for excluding government entities, including those government entities which have a significant trading presence, from being required to issue Modern Slavery Statements, but it gives the appearance of unequal treatment. In principle if there is modern slavery reporting legislation all entities which meet the proposed reporting floor should be subject to it. Reporting legislation should apply generally but be targeted to focus on areas of risk.
40. Large government entities could be expected to bring a greater level of sophistication and understanding to their diligence and reporting than will be the case with many in the business community, particularly those for whom this is a new idea. These entities could also be expected to bring a greater understanding into government of the costs and difficulties of mapping and achieving the longer term objective of developing and maintaining responsible and transparent supply chains.

41. In the Australian Chamber's view, the costs of exclusion on confidence in the system, and the benefits of inclusion, suggest that relevantly large government entities should not be excluded from any final legislation.

## Groups of entities

42. Businesses need to have the legitimate capacity to organise their operations and allocate their capital in the way which most suits their objectives, capacities and external financial relationships. These may change over time giving rise to entity restructures. The revenue of subsidiaries, related groups of entities and holding companies should form the assessable revenue for coverage. Subject to further consultation, which might amongst other matters consider the amount of actual local revenue, and might also consider other reporting obligations, non-Australian derived revenue should be included.
43. It may usually be the case that there would be a single report from a composite entity but this is a decision best left to the entity, and any system must allow reporting on a group or composite entity basis. Where a composite entity determines to make more than one report any sign off responsibility should be at that entity's governance level. The *Corporations Act 2001* should not be amended to reallocate responsibilities, obligations or liabilities between related entities and nor should the proposed reporting legislation do so.
44. The Government may also wish to consider a capacity to make exceptions, and bespoke reporting arrangements for particular reporting entities on application to meet their actual circumstances. The reporting legislation should not impose new "related entity" obligations on entities which mainly operate in other jurisdictions.

## 5. Revenue Threshold

45. The third of the Consultation Questions is also in two parts:

*How should the Australian Government define an entity's revenue for the reporting requirement?*

*Is \$100 million total annual revenue an appropriate threshold for the reporting requirement?*

### Defining revenue

46. The Australian Chamber supports determining coverage of any reporting legislation on the basis of revenue or turnover, rather than some other financial measurement or some non-financial measure such as number of employees.

### Revenue threshold

47. One of the lessons which has come through from the introduction of similar legislation in other jurisdictions such as the *Transparency in Supply Chains Act 2010* and the UK MS Act (both of which have coverage set in terms of revenue or turnover), is that the reporting obligation captured more entities than pre-enactment estimates indicated would be subject to the legislation. In the case of the UK MS Act the method of selecting the floor turnover (£36 M) was not well fit for purpose, captured too large a group of UK organisations and clearly underestimated the difficulties of full compliance. UK MS Act compliance was not assisted by the way which the operating act was implemented, and by drawing too many UK companies into the mix.
48. The Australian Chamber's preferred position is that initial reporting obligations should be confined to the top 100 - 200 companies operating in Australia, and that as competence and understanding develops this be reviewed with the view of lowering the floor to include a greater number of reporting entities. This suggests a significantly higher initial floor than proposed in the Consultation Paper. Confining the legislation in this way provides a more manageable number of first entrants to be engaged with, and consideration might be given to raising the floor in a bill.
49. A post-commencement statutory review of the legislation, or more likely periodical reviews, should also assess the reporting obligation itself to assess costs of compliance as well as effectiveness in achieving its policy objective. Assessment of the costs of and ease of effective compliance is a crucial component of any review so as to avoid crude pressures to

just increase statutory obligations or introduce penalties to cover off concerns that the existing floor of legislation isn't perceived to be working well enough or working fast enough. Impatience driving crude extension without proper assessment would not be a sound basis for policy in this area.

50. The Australian Chamber supports a capacity for non-reporting entities to opt-in or to be able to voluntarily issue statements. Voluntary modern slavery in supply chains statements should be treated in the same way as those made by entities subject to the legislation.
  - a. Some organisations may wish to be seen to be reporting, and to be able to publicly champion their efforts to ensure modern slavery does not contribute to their business.
  - b. Some major reporting entities may encourage their major suppliers to voluntarily report, even where not obliged to.
  - c. Some growing entities may wish to start reporting prior to reaching the statutory revenue threshold.
51. Annual revenue is not static. In the case of entities with growing revenue which takes them over the floor and triggers the reporting requirement, the statutory requirement should commence with the following financial year.
52. The circumstances of reporting entities which have fluctuating revenues, or declining revenues, are more complicated and their circumstances will differ. A strict requirement that once an entity has come within scope, it would remain subject to the legislation will not be appropriate to all circumstances. Instances of major entities being split or divested into smaller businesses (of non-reporting size) will also need to be considered. These are normal commercial changes, it does not seem likely that operations would be structured to avoid modern slavery reporting.
53. Aside from an appropriate coverage provision in the proposed legislation which addresses fluctuating and declining revenues, consideration could be given to a case-by-case exemption process to address changes in circumstances which are not appropriately accommodated in the legislation's provisions.

## 6. Definitions of operations and supply chains

54. The fourth of the Consultation Questions is:

*How should the Australian Government define an entity's 'operations' and 'supply chains' for the purposes of the reporting requirement?*

### **Role of such definitions**

55. The Consultation paper advises that the Government's Preferred View is to specify what modern slavery in supply chain statements (Modern Slavery Statements) would address with respect to the reporting entity's operations and supply chains.
56. This differs from the UK approach of requiring reporting entities to consider their supply chains and their own business, and these are common language meaning, not defined, terms. A complying slavery and human trafficking statement in the UK may include information about the entity's business and its structure, but it need not. The UK approach is consistent with the strong risk-assessment based approach underpinning the UK MS Act. It also reflects the different risk profile of modern slavery in the UK.
57. The Government's Preferred View is to specify reporting criteria. This has the benefit of greater clarity of obligation which is more necessary where there is also a requirement to issue a Modern Slavery Statement. If there is a requirement to issue a Modern Slavery Statement addressing specified matters, the legislation should also identify what activities fall within scope.
58. The Australian Chamber proposes that if, as seems most likely, these terms are defined, early drafts should be made available for comment. Definitions of "operations" and "supply chains" seem likely to be drafted at the general level to apply to reporting entities in a wide diversity of industries and circumstances. Probably easier to say than to achieve, but one objective in settling these statutory definitions should be to support a focus on activities which are directed to a reporting entity's areas of highest risk. It would not be appropriate to draw on existing statutory definitions of these terms or related terms (such as "carrying on a business") where the existing definition is directed towards a different purpose, such as for deeming or expanding coverage of the particular statute.
59. The Consultation Paper advises a current intention to provide detailed guidance on the statutory definitions and this should be available in advance of reporting being required. The Australian Chamber will be pleased to work with regulators on these definitions and on

the development of the necessary guidance materials. These definitions will be where most reporting entities will start from.

60. Consultation associated with the preparation of guidance material may also include consultation on an industry basis.
61. The Government may also wish to consider a regulation making power to allow for modifications if necessary to better capture the circumstances of different industries, including possibly identifying risks associated with specific industries. In some industries there will be significant difficulties in identifying suppliers such as where there are composite products.

### **Definition of “Operations” and “Supply Chains”**

62. A statutory reporting obligation directed at “operations” should focus on activities, and normal supply, which is connected to the business’ main operations. Incidental, or irregular, processes or supply should not fall within statutory operations. Similar considerations apply to supply chains. The Government’s Preferred View is not to confine reporting to tier one chains, in which case it may be desirable to direct activity to supply relationships where there is greater capacity to influence, particularly during the implementation years, and complement a focus on highest risk and the centrality of the supplier to operations.
63. Defining operations becomes more complicated when the reporting entity is not headquartered in Australia, is diversified and its Australian operations engage with only part of the global entity’s total operations. In principle it would seem appropriate to require reporting only on that part of the conglomerate’s overall activities which interacts with the Australian economy. A conglomerate which processes agricultural products for market and also produces irrigation systems for agricultural producers, the latter of which is its only Australian activity, should report only on its irrigation operations.

## 7. Responses and cost estimates

64. The fifth of the Consultation Questions is in two parts:

*How will affected entities likely respond to the reporting requirement?*

*As this is how the regulatory impact is calculated, do Government's preliminary cost estimates require adjustment?*

### Response to reporting requirements

65. Responses to statutory reporting requirements will be determined by three main factors:

- i. How engaged the entity is in supply chain transparency – it's starting point.
- ii. The level of existing understanding and the availability of supporting information – entities should not be put in the position of having to engage external expertise to comply as a matter of course.
- iii. The nature of the entity's operations and the areas of risk – a major retailer faces a different type of challenge from a mining company establishing a new operation.

For these reasons responses will not, and should not be uniform across reporting entities. This observation also holds true in the event an entity has or establishes diligence processes.

66. Experience from the Californian legislation and the UK MS Act suggests that getting going is more difficult than is usually allowed/foreseen by policy makers. Except in the case of reporting entities which have already developed their operational and supplier diligence procedures, it should be expected that reporting entities subject to the legislation will not have basic information, an established way of collecting and collating it, nor procedures for keeping and updating it.

67. In low risk industries and industries where their higher risks are at some remove, entities will have an imperfect understanding of their risk profile and therefore where and how to look. They will not have established policies and embarking on this will be a major exercise.

68. It is unlikely that an entity which falls under a statutory reporting requirement and which starts to identify areas of potential risk will not consider diligence processes. It is difficult to

imagine that some form of diligence would not develop in the event an entity adopts an anti-slavery policy.

69. Anecdotal evidence collected by the Australian Chamber suggests that a first step adopted by an entity moving into a diligence regime (for reporting, external audit or internal assurance) with any number of suppliers is to identify its supplier chains and then determine what it will require of them. Particularly where there is a large number of suppliers (e.g. retail, complex manufacturing) or mobility of suppliers (as sometimes in areas of retail, manufacturing or food production) supply chain mapping itself can take a long period of time. This is easy to perceive in the example a supermarket, with many hundreds of products and suppliers.
70. The Australian Chamber is aware of examples of this exercise taking well in excess of 12 months, and closer to 24, following a commitment to supply chain transparency and genuinely moving to do it.
71. First, and often continuing, contact with suppliers is by way of imposing an administrative obligation on those of interest, or perhaps all of them in the first tier. Interest can be defined by level in the supply chain, the reporting entity's amount of, or extent of continuity of, business with the supplier or it can be defined on the basis of a more sophisticated assessment of risk – although the latter is rarely the initial response.
72. The administrative obligation on the supplier may be direct or indirect and may be scaled according to how different suppliers are classified by the reporting entity. Obligations could require the supplier to assure or demonstrate with evidence in some way that it does not rely on compelled work or compel work in some other criminal way. In the case of modern slavery which is a deliberately hidden crime determining how to do this is not easy. Assurance often takes the form of a requirement to submit to external audit or to commission and co-operate with an external audit.
73. The 2015 Ashridge study which has been drawn upon interviewed 21 companies and tier 1 suppliers with active supply chain labour standards management practices which were operating in England selling to the public. (It also surveyed 30 other companies.) The study sought to identify how respondents addressed modern slavery and the report confirms that auditing suppliers is a typical response to the problem of surveilling supply chains.<sup>11</sup>
74. This has implications for how the impact of any legislation is costed, since audits even if paid for by the reporting entity, which is more usual with external suppliers than domestic ones, impose costs on the supplier.

---

<sup>11</sup> P 7, *Corporate approaches to addressing modern slavery in supply chains – a snapshot of current practice*, Ashbridge Centre for Business and Sustainability at Hult International Business School, 2015

75. This fact is also a reason for any legislation not imposing reporting obligations in relation to domestic (Australian) supply chains, or only doing so in sectors where there are domestic entities with high risk factors providing regular supply into reporting entities' operations or suppliers. Unless there is a pressing and demonstrable reason to cover one or more areas of domestic suppliers, any move towards requiring reporting on domestic suppliers should be considered only through a post-implementation review of the legislation's operation.
76. Generally excluding domestic suppliers would not preclude a reporting entity from deciding to apply diligence to its domestic suppliers, but these entities would reasonably be expected to have a developed transparency reporting and follow up regime.
77. Consideration might be given to requiring Modern Slavery Statements to distinguish voluntary (and additional) reporting from that required under the legislation. Whilst those doing more should benefit from doing more than they are required to, complying reporting entities should not be penalised for seeking to directly comply. Ensuring that compliers are not perceived to be failing to be transparent because they are not "high flyers" is particularly important during the implementation phase.
78. Ensuring that compliance is being transparent also supports the very important message that an entity discovering modern slavery (and not walking away from that part of the supply chain) is positive and reflects credit on the reporting entity. Finding a problem, acknowledging it and starting to tackle it, must be encouraged and rewarded under the legislation.

## **Response to preliminary cost estimates**

79. The Australian Chamber is not in a position to quantify costs. Costs will be shaped by the final set of obligations and the scope of the reporting obligation, and costs will differ for different reporting entities falling within scope.
80. The costs estimate in the Consultation Paper seems based on an estimate of the cost of writing a report. It presumes that the information required to draft the report is in place and that the reporting entity has established supply chain knowledge and maintenance procedures in place. This seems unrealistic.
81. Such an approach to costing may reasonably represent "business as usual" reporting costs, but the costing seems not to reflect the costs of setting up from scratch. Most Australian entities which will fall within scope, and many external entities, do not have established supply chain surveillance procedures. These will need to be established as a direct consequence of the legislation.

82. Second, the Consultation Paper costings do not take account of the costs that reporting entities complying with the new legislation will impose on suppliers. Practices may differ, but initial responses by entities seeking visibility and assurance will usually involve survey, statement or audit costs on suppliers.
83. The difficulties in estimating likely true costs and the impact of the proposed reporting regime on business should favour caution and incrementalism.

## 8. Reducing regulatory impact

84. The sixth of the Consultation Questions is in two parts:

*What regulatory impact will this reporting requirement have on entities?*

*Can this regulatory impact be further reduced without limiting the effectiveness of the reporting requirement?*

### Regulatory impact

85. As discussed above, for reporting entities without well established diligence regimes there will be new regulatory impact on them and those suppliers falling within their supply chains which they will need to seek to understand and assess.
86. For reporting entities which are leaders and have established, or are well into the process of establishing, diligence and response practices the impact will depend on the extent to which the proposed legislation requires change on the part of these entities to comply.
87. Experience suggests that engaged entities' practices, focus, training and responses change over time as they gain understanding of the issues in their particular operations and if they uncover problems. The drafting of the proposed legislation should so far as practicable recognise this process and support the flow of change, rather than require abrupt changes.
88. Again, what we do not know, and cannot know, should dictate a degree of caution and incrementalism in what is done.

### Reducing the regulatory impact

89. The Australia Chamber would prefer to see evolutionary legislation which is directed by reviews and assessment of experiences. This would support better benefit for cost. Continuing consultation and engagement with reporting entities, as well as suppliers, following enactment will not only assist better outcomes over time but help to reduce wasted and misdirected effort. It should also support committed engagement.

## 9. Reporting criteria

90. The seventh of the Consultation Questions is in two parts:

*Are the proposed four mandatory criteria for entities to report against appropriate?*

*Should other criteria be included, including a requirement to report on the number and nature of any incidences of modern slavery detected during the reporting period?*

### Reporting Criteria

91. The Consultation Paper advises proposed four reporting areas which are adapted from the matters identified in the UK MS Act which reporting entities under that act may choose to report on. The reporting areas are differently sequenced than the suggested reporting areas identified under the UK MS Act. If the proposed sequencing is intended to guide the process of diligence activity the draft reporting areas may not be best ordered.
92. Draft reporting criterion 3 includes reporting on the entity's "policies and process" to address modern slavery and criterion 4 includes reporting on the entity's "due diligence processes", and in both cases the entity should report on their effectiveness. It is difficult to understand the differences between these two areas. Particularly when it comes to reporting effectiveness it is not clear what is dealt with under processes as distinct from due diligence processes.
93. The specified reporting areas appear to assume that a reporting entity has existing processes and practices in place, and it is difficult to see how an entity without that background could comply. For example, a reporting entity which is starting out to map its supply chains, which as earlier noted, depending on the complexity of the reporting entity's inward supply, might take well over 12 months, is not in a position to make informed comment on the modern slavery risks which are present in its supply chains or, depending on how "operations" is defined, in its operations. The same issue applies for informed comment on "effectiveness" required under proposed reporting areas 3 and 4.
94. The reporting requirement is drawing on increasing societal demand for transparency and on the value of business' reputation. The Australian Chamber would not wish to see drafting in the legislation which has the effect of rendering reports by reporting entities which are starting out on their journey to appear inadequate. Whilst being ahead of that's required deserves to be recognised, the statutory reporting regime should not give rise to situations where reporting entities which are coming to grips with modern slavery investigation and the reporting regime are penalised because they do not yet have established processes or understanding.

95. Guidance material would seem to be essential on what's actually to be reported on and what is sought in the evaluation of effectiveness. Material should be drafted to take account of the fact that most reporting entities will not yet have policies, processes or responses in place.

### **Additional criteria**

96. The question of whether businesses which discover modern slavery in their operations or supply chains contributing to their operations should also publicly report this fact is difficult. It seems that whether discovery should be publicly reported and if so, when it should be publicly reported, is crucially dependent on the circumstances of the particular situation. The proposed legislation is directed to achieving greater public transparency and awareness, but other interests, such as those of the victims and the unhindered operation of the justice system, come into play where instances of criminal modern slavery are uncovered. At times the better result for the fight against modern slavery means that public awareness is subordinated to other objectives.
97. The Australian Chamber believes that the statutory reporting areas should not require, nor imply, that reporting entities should, publicly declare discovery of an instance of modern slavery. The objective of transparency should not detrimentally impact response, but nor should compliance reduce engaged diligence or transparency. Modern slavery is more prevalent than is properly understood, but it is hidden and difficult to see. Businesses will find instances and doing so is evidence of a level of effectiveness of their activities. Compulsory public announcement risks the reporting entity suffering reputational damage.
98. While discovery should not form part of the statutory reporting regimes, businesses should be free to report these matters should they choose. These decisions should be taken in the context of how the discovery is being responded to (or more likely, how it was responded to and addressed) following consultation with the other parties which are part of the response process.

## 10. Central repository

99. The eight of the Consultation Questions is in two parts:

*How should a central repository for Modern Slavery Statements be established and what functions should it include?*

*Should the repository be run by the Government or a third party?*

### **Functions and operation of a reporting repository**

100. If Australia introduces a modern slavery reporting system, the Australian Chamber does not oppose the principle that reports are to be posted to a central repository.
101. A repository should provide open, online access to lodged reports and this should be kept as simple as possible. Excessive complication not only raises the costs of reporting but more importantly for the objective of general transparency, complexity impacts accessibility of information.
102. In principle reporting entities should be searchable under their name – under which each reporting entity's current and previous reports could be found. Changes to company structures including through acquisition, divestment, closure and brand change and differences between registered names and trading/brand names (the public perception of the entity) suggest that the near universal identifier such as the entity's ABN and the name linked to that might be the primary locator. Depending on the scope of any proposed legislation (if for example, government entities are included) it may be that a reporting entity does not have an ABN. Other search terms should give access to the entity's reports.
103. To the extent that any legislation imposes a reporting obligation it should sit as consistently as possible with existing obligations. Consideration should be given to what is required in a complying report and what data can be added to reports which are then placed into the repository to make them accessible to repository users.
104. It is tempting to provide for searches on industry. In many cases it may not be difficult for a reporting entity to be assigned to an industry at (say) the two digit ANZSIC level. However, most businesses do not issue public reports on the basis of ANZSIC. Some reporting entities will be more complicated and operate over a range of ANZSIC industries, may have more employment in industries which contribute a smaller proportion of their revenue and public profile than suggested by its proportionate share of employment, or, if international, only operate in Australia over some of their global activities.

## Who should run the repository?

105. The Government should run/administer a repository if one is established under the proposed legislation. It has been suggested that, particularly if government enterprises come within scope, that a government operated repository would reduce public confidence in its accuracy, because it would be a case of government scrutinising government. The Australian Chamber favours including government activities within scope, but does not accept such as an argument. The repository is primarily to make reporting entities' reports accessible in a single location. Assessment and assessment of compliance are separate from this. The repository itself should not evaluate of reports.
106. Various areas of government also report on, for example gender equity efforts, to other areas of government, and with proper mind to any conflicts or concerns, we cannot see any difficulty with a government run repository – and we can see myriad problems with any non-government approach.
107. A related issue is the question of the treatment of entities which do not file Modern Slavery Statements. The Government's Preferred View is that any proposed reporting requirement is not subject to penalties. This is appropriate. It is consistent with the approaches taken in the few pieces of comparable legislation and is reflective of the level of intrusion inherent in legislation of this kind.
108. As provided in the Consultation Paper, the preferred legislation is significantly different from any other legislation with economy wide application and the Government's primary objective is to develop transparency and responsibility, not formal reporting compliance.
109. Initially not all entities within scope will issue a Modern Slavery Statement, or do so within the reporting time. A Government operated repository is better placed to engage with the reporting entity and work to achieve a statement, as well as to assist the entity to understand what is wanted. Engagement of this kind will also assist the Government understand where there are problems or where consultation or guidance will be needed. It assists with a beneficial feed-back loop.
110. Second, it will not always be clear whether a particular entity is within scope. Depending on the final legislated scope of any legislation, accessible records may not identify all entities which the legislation captures. This is one of the reasons why earlier supply chain legislation has underestimated numbers of captured entities. Conversely some apparent reporting entities will turn out on closer investigation to not fall within scope. These follow-up activities are best undertaken by an administering department and whilst they could be conceptually separated from the repository hosting function that flow pretty directly from the repository administration.

111. Hosting the repository in an administrating department provides the basis for an active supportive engagement strategy. It will help build trust relationships which will assist in the event that a reporting entity discovers an incidence of modern slavery.

## 11. Encouraging compliance

112. The ninth of the Consultation Questions is:

*Noting the Government does not propose to provide for penalties for non-compliance, how can Government and civil society most effectively support entities to comply with the reporting requirement?*

113. Except with the small proportion of reporting entities which are already well down the path of assessing and monitoring their supply chains, the introduction of a reporting requirement will require a great deal of new understanding and help. Early reports are unlikely to be comprehensive and they will not be practiced. Even where requirements are well known and established, such as the auditing of annual financial records there is an iterative process. While this is driven by the complexity of financial reports, it provides something of a model for engagement, especially for early reporting, because the primary objective is the engagement behind the reporting.
114. Particularly for the first few reporting cycles of the introduction of any reporting requirement the most important support for compliance, and necessary to underpin engagement, is the provision of and access to guidance material which addresses understanding and knowledge gaps and engagement with the administering department. This will require active consultation with employers and industry representatives and supportive engagement with reporting entities. It will also require active engagement and consultation with civil society.
115. Early focus of consultation and capacity building as well as the development of guidance material may best be undertaken on an industry basis which will assist development of an understanding of modern slavery, the new requirements and the key risks typical of the industry. Representative employer organisations may be a source of assistance.
116. Departmental engagement with individual reporting entities should also be available, where there are not resourcing constraints, to entities which are not in scope but which are seeking to opt-in.
117. Compliance, difficulties and shortcomings should be assessed in the first review of any finalised legislation. Any formal statutory review should be no earlier than after the third reporting cycle.

## 12. Publication deadline

118. The tenth of the Consultation Questions is in two parts :

*Is the five month deadline for entities to publish Modern Slavery Statements appropriate?*

*Should this deadline be linked to the end of the Australian financial year or to the end of entities' financial years?*

119. The length of time required after a date to report depends on the final nature of any reporting obligation and initially on the extent to which operations/supply chain assessment is a new activity. It also depends on the amount of warning there is of the finalised obligations and their commencement. The basis of the 5 month preferred position is not clear.

120. Transitioning into the legislation will be addressed below (at Section13).

121. The Government's Preferred View is for the entity's Modern Slavery statement to be signed off by the board (or equivalent for other entity structures). This suggests that the Modern Slavery Statement is associated with the entity's annual reporting cycle. In principle that should be reflected in the legislation.

122. However, not all reporting entities will operate to the standard Australian financial year, and in Australia, not all entities which seem likely to fall within scope, have a financial year which ends 30 June. Were the government proceed with legislating it might do so by requiring any obligatory Modern Slavery Statement to be issued 5 months after the end of the entity's financial year but allow for exemptions.

123. If a central repository is provided an entity's name should be entered with the receipt of its first published report.

124. From time to time entities may have a change to their financial year. Publication deadlines could provide for notes to be placed on the company's accessible repository record advising the change if it were to give rise to an excessive amount of time since the previous report.

## 13. Initial phasing-in

125. The eleventh of the Consultation Questions is:

*Should the reporting requirement be 'phased-in' by allowing entities an initial grace period before they are required to publish Modern Slavery Statements?*

126. The question of phasing-in is complicated. It depends on the nature of any reporting obligation, the amount of notice before the obligation commences and the amount of support, engagement and guidance which is available during the period leading up to commencement.

127. As discussed above the real impact of introducing a reporting obligation is that there is something to report upon. While there is an issue about what is to be reported and signed off the real difficulties are the establishment of a modern slavery awareness, culture and processes within the entity. Organisational development is not likely to be assisted by the fact that an initial report does not deal with the reporting areas well and touch all the required point adequately. Avoiding these outcomes and too much wasted effort because misdirected supports the idea of a grace period and an active engagement process to help entities to a better level.

128. Consideration could also be given to recognising that addressing the final form of statutory reporting areas, if provided for in any final legislation, might themselves be phased in. Under these circumstances there could be a progressive reporting target over (say) three years which is based on the understanding that covered entities do not have established understanding, supplier visibility, policies, practices or procedures.

129. Under this approach the legislation would identify the statutory reporting areas, but the transitional provisions might require in the first report initial a description of the entity and its operations, what it is doing about identifying its risk areas and how it is developing (or has developed) an entity anti-slavery policy. The actual content of this type of transitional approach should be a matter for consultation.

## 14. Monitoring and evaluation

130. The twelfth of the Consultation Questions is in two parts:

*How can the Australian Government best monitor and evaluate the effectiveness of the reporting requirement?*

*How should Government allow for the business community and civil society to provide feedback on the effectiveness of the reporting requirement??*

### **Monitoring and evaluation**

131. Under the consultation and engagement approach proposed above there would be monitoring, identification and evaluation of problems and developing effectiveness effectively built into the implementation of the legislation.
132. A formal system review should be undertaken but not until after the third reporting cycle, and it may be that where significant general problems emerge they need to be dealt with in a more formal way than by ongoing engagement and consultation.

### **Facilitating Feedback**

133. All stakeholders have an interest in working towards then identification of and elimination of modern slavery in our economy and region. The Government's Preferred View is to assist business play its part by legislating for a statutory Modern Slavery Statement supported by guidance to provide greater transparency in reporting entities' operations and responsibility for their operations and sources of supply.
134. The Government Preferred View is also to consult extensively in the development of the legislation and supporting guidance. Given the path breaking nature of the legislation the Government is currently contemplating this is wholly appropriate. It is consistent with this approach providing for a formal review that consultation continues after the legislation's enactment and the development of guidance material. This operational consultation might often be on an industry basis.
135. If it is decided to legislate a central repository for statements and it is decided that the site should be hosted and administered by the relevant administering department the site could also provide a contact point for reporting entities.

## 15. Oversight

136. The thirteenth of the Consultation Questions is in two parts:

*Is an independent oversight mechanism required, or could this oversight be provided by Government and civil society?*

*If so, what functions should the oversight mechanism perform?*

### **Role and functions of oversight**

137. The Australian Chamber reiterates its earlier observation that there is little evidence to support the view that criminal modern slavery is widespread in business' domestic supply chains, disproportionately the risk to the operations of entities transacting in Australia lies in the region.

138. The Chamber is also of the view that implementation of any legislation will take time. Whilst the situation may be different for criminal modern slavery associated with the household and personal economy (such crimes as the forced provision of commercial sexual services) under the proposed scope of the preferred legislation there seems little justification to establish a new statutory oversight role under the proposed act.

139. Properly understood Modern Slavery reporting in Australia is an exercise in transparency, and transparency encouraging diligence and communication. It is difficult to see what role oversight can or should play in such a system.

140. Such a scheme is about information – and it is this information that will allow for critique and communication of what businesses are or are not doing in this area. This is the strength of the UK approach, which we understand to be the Government's preferred approach in Australia.

141. Civil society groups may be very interested in this information and may attempt an oversight role of their own making based on the information published, but we can see no proper role for any attempted oversight or extending any powers or responsibilities in this area generally beyond government.

### **Who should provide oversight**

142. On the basis of its view about where the major risks lie oversight should fall to one or both of the two departments most engaged with these crimes, and exercised as earlier outlined. Should the Government take the view that there should be a key statutory oversight

obligation this might best be included in the duties of the Ambassador for People Smuggling and Human Trafficking for Australia. It may be that some forms of modern slavery falling outside the scope of any transparency legislation, such as forced marriage, where the issues are different, might benefit from a statutory oversight role. This is a separate consideration from responses to the Consultation Paper.

## 16. Other options

143. The fourteenth and final of the Consultation Questions is in two parts:

*Should Government reconsider the other options set out in this consultation paper (Options 1 and 2)?*

*Would Option 2 impose any regulatory costs on the business community?*

144. As discussed above the Australian Chamber believes there is a case to draw more heavily on voluntary reporting particularly in the early years of reporting legislation.

145. Voluntary compliance with a reporting requirement defined by statute will impose some costs, both on the part of novice reporting entities and the parts of their supply chains that focus upon. Costs will be staggered over time and seem likely to be lower than the introduction of mandatory reporting at the commencement of legislation.

## About the Australian Chamber

The Australian Chamber of Commerce and Industry is the largest and most representative business advocacy network in Australia. We speak on behalf of Australian business at home and abroad.

Our membership comprises all state and territory chambers of commerce and dozens of national industry associations. Individual businesses are also able to be members of our Business Leaders Council.

We represent more than 300,000 businesses of all sizes, across all industries and all parts of the country, employing over 4 million Australian workers.

The Australian Chamber strives to make Australia a great place to do business in order to improve everyone's standard of living.

We seek to create an environment in which businesspeople, employees and independent contractors can achieve their potential as part of a dynamic private sector. We encourage entrepreneurship and innovation to achieve prosperity, economic growth and jobs.

We focus on issues that impact on business, including economics, trade, workplace relations, work health and safety, and employment, education and training.

We advocate for Australian business in public debate and to policy decision-makers, including ministers, shadow ministers, other members of parliament, ministerial policy advisors, public servants, regulators and other national agencies. We represent Australian business in international forums.

We represent the broad interests of the private sector rather than individual clients or a narrow sectional interest.

## Australian Chamber Members

AUSTRALIAN CHAMBER MEMBERS BUSINESS SA | CANBERRA BUSINESS CHAMBER | CHAMBER OF COMMERCE & INDUSTRY QUEENSLAND | CHAMBER OF COMMERCE AND INDUSTRY WESTERN AUSTRALIA | CHAMBER OF COMMERCE NORTHERN TERRITORY | NSW BUSINESS CHAMBER | TASMANIAN CHAMBER OF COMMERCE AND INDUSTRY | VICTORIAN CHAMBER OF COMMERCE AND INDUSTRY

MEMBER NATIONAL INDUSTRY ASSOCIATIONS: ACCORD – HYGIENE, COSMETIC AND SPECIALTY PRODUCTS INDUSTRY | AIR CONDITIONING & MECHANICAL CONTRACTORS' ASSOCIATION | ANIMAL MEDICINES AUSTRALIA | ASSOCIATION OF FINANCIAL ADVISERS | ASSOCIATION OF INDEPENDENT SCHOOLS OF NSW | AUSTRALIA ARAB CHAMBER OF COMMERCE & INDUSTRY | AUSTRALIAN AUTOMOTIVE DEALER ASSOCIATION | AUSTRALIAN BEVERAGES COUNCIL | AUSTRALIAN DENTAL ASSOCIATION | AUSTRALIAN DENTAL INDUSTRY ASSOCIATION | AUSTRALIAN FEDERATION OF EMPLOYERS & INDUSTRIES | AUSTRALIAN GIFT & HOMEWARES ASSOCIATION | AUSTRALIAN HOTELS ASSOCIATION | AUSTRALIAN INSTITUTE OF CREDIT MANAGEMENT | AUSTRALIAN MADE CAMPAIGN | AUSTRALIAN MEAT PROCESSOR CORPORATION | AUSTRALIAN MINES AND METALS ASSOCIATION | AUSTRALIAN MOBILE TELECOMMUNICATIONS ASSOCIATION | AUSTRALIAN PAINT MANUFACTURERS' FEDERATION | AUSTRALIAN RECORDING INDUSTRY ASSOCIATION | AUSTRALIAN RESTRUCTURING INSOLVENCY & TURNAROUND ASSOCIATION | AUSTRALIAN RETAILERS ASSOCIATION | AUSTRALIAN SELF MEDICATION INDUSTRY | AUSTRALIAN STEEL INSTITUTE | AUSTRALIAN TOURISM INDUSTRY COUNCIL | AUSTRALIAN VETERINARY ASSOCIATION | BOATING INDUSTRY ASSOCIATION | BUS INDUSTRY CONFEDERATION | BUSINESS COUNCIL OF CO-OPERATIVES AND MUTUALS | CARAVAN INDUSTRY ASSOCIATION OF AUSTRALIA | CEMENT CONCRETE & AGGREGATES ASSOCIATION | CHEMISTRY AUSTRALIA | CHIROPRACTORS' ASSOCIATION OF AUSTRALIA | CONCRETE MASONRY ASSOCIATION OF AUSTRALIA | CONSULT AUSTRALIA | COUNCIL OF PRIVATE HIGHER EDUCATION | CRUISE LINES INTERNATIONAL ASSOCIATION AUSTRALASIA | CUSTOMER OWNED BANKING ASSOCIATION | DIRECT SELLING AUSTRALIA | EXHIBITION & EVENT ASSOCIATION OF AUSTRALASIA | FINANCIAL PLANNING ASSOCIATION OF AUSTRALIA | FITNESS AUSTRALIA | FRANCHISEE FEDERATION AUSTRALIA | HOUSING INDUSTRY ASSOCIATION | LARGE FORMAT RETAIL ASSOCIATION | LIVE PERFORMANCE AUSTRALIA | MASTER BUILDERS AUSTRALIA | MASTER PLUMBERS' AND MECHANICAL SERVICES ASSOCIATION OF AUSTRALIA | MEDICAL TECHNOLOGY ASSOCIATION OF AUSTRALIA | MEDICINES AUSTRALIA | NATIONAL AUTOMOTIVE LEASING AND SALARY PACKAGING ASSOCIATION | NATIONAL DISABILITY SERVICES | NATIONAL ELECTRICAL AND COMMUNICATIONS ASSOCIATION | NATIONAL EMPLOYMENT SERVICES ASSOCIATION | NATIONAL FIRE INDUSTRY ASSOCIATION | NORA | NATIONAL RETAIL ASSOCIATION | NATIONAL ROADS AND MOTORISTS ASSOCIATION | NSW HIRE CAR ASSOCIATION | NSW TAXI COUNCIL | OUTDOOR MEDIA ASSOCIATION | PHARMACY GUILD OF AUSTRALIA | PHONOGRAPHIC PERFORMANCE COMPANY OF AUSTRALIA | PRINTING INDUSTRIES ASSOCIATION OF AUSTRALIA | RECRUITMENT & CONSULTING SERVICES ASSOCIATION | RESTAURANT & CATERING AUSTRALIA | SCREEN PRODUCERS AUSTRALIA | THE TAX INSTITUTE | THINK BRICK AUSTRALIA | VICTORIAN AUTOMOBILE CHAMBER OF COMMERCE