



# New Federal Modern Slavery Act effective from 1 January 2019

## Key points:

- The new *Modern Slavery Act 2018* will come into effect on **1 January 2019**
- The Act will require Australian entities and entities that operate within Australia with a consolidated revenue of **\$AUS100 million** per annum or over, to lodge an **annual report** (also known as a **Modern Slavery Statement - MSS**)
- An MSS is a statement on the actions an entity has taken to address modern slavery risks in their operations as well as their supply chains (which includes small businesses within the supply chain)
- The MSS will be published online on a central register and must include five mandatory reporting criteria (outlined below).

Dear Member,

The Federal *Modern Slavery Act 2018* (the Act) received Royal Assent on 10 December 2018 and will come into effect from **1 January 2019**.

## What does this mean?

The Act will require Australian entities which are based or operating in Australia with a consolidated revenue of **\$AUS100 million** per annum or over to lodge with the Minister of Home Affairs (the Minister) an **annual report (also known as a Modern Slavery Statement - MSS)** on:

- **the risks of modern slavery in their operations and supply chains and**
- **the actions taken to address these risks.**

An MSS will cover a reporting entity's financial year and must be lodged within 6 months of the end of the entity's financial year. An entity's first MSS will cover the reporting year which starts after 1 January 2019.

**A MSS will be published online on a central register.**

There are five mandatory reporting criteria. Please see below for further information.

## Who will this apply to?

The new laws will apply to individuals, partnerships, trusts, companies or unincorporated associations.

The reporting obligations will apply to Australian entities which are incorporated, centrally managed or controlled in Australia as well as foreign entities which undertake business in Australia.

**This means that conduct outside Australia will also fall within a reporting entity's supply chain.**

### Who won't this apply to?

An unincorporated joint venture (that is not a company) is not considered an entity and therefore will not have the obligation to report under these laws.

### What is modern slavery?

Modern slavery includes people trafficking and slavery/slavery-like practices which are criminal offences under **Divisions 271 (trafficking persons)** and **Divisions 270 (slavery and slavery-like offences)** under the Commonwealth [Criminal Code](#).

Modern slavery also includes the worst forms of child labour which contravenes Article 3 of the ILO [Convention 182](#), *the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour*.

### Mandatory reporting criteria

There are five mandatory reporting criteria, which are:

1. **The entity's structure, operations and supply chains**
2. **The risks of modern slavery practices in the entity's operations, supplier or subsidiaries**
3. **Actions taken by the entity or its subsidiaries to assess and address the identified risks (i.e. developing policies, processes, facilitating staff training) which includes due diligence and remediation processes**
4. **How the entity has assessed the effectiveness of the actions it has taken**
5. **The consultation process undertaken with an entity's subsidiaries when preparing the MSS.**

### Support for reporting entities

The Department of Home Affairs is in the process of establishing a **Business Engagement Unit (BEU)** to support employers address modern slavery risks. The BEU is also due to publish guidance material to assist employers with complying with their new obligations and to provide a point of contact to seek advice on the new reporting requirements.

### Further information

For further enquiries, please contact **Claire Seremetis**, LPA's Workplace Relations Advisor via [email](#) or (03) 8614 2000.



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