



Professor Susan Rowland

Acting Senior Deputy Vice-Chancellor and Provost

12 September 2025

Assistant Secretary Lace Wang
Modern Slavery and Human Trafficking Branch
Attorney-General's Department
3-5 National Cct, Barton, ACT, 2600
By email: Slavery.Reform@ag.gov.au

Dear Ms Wang,

The University of Sydney welcomes the opportunity to make a submission in response to the *Strengthening the Modern Slavery Act 2018* (Cth) consultation paper.

In preparing our submission (see **Attachment A**), we have drawn on the two distinct roles the University plays in addressing modern slavery. Our recommendations are informed by our experience as a reporting entity under the *Modern Slavery Act 2018* (Cth) and *Modern Slavery Act 2018* (NSW), including lessons learnt from embedding modern slavery due diligence across our governance, policies and practices. Our submission also draws on the multidisciplinary expertise of 11 of our academics from four faculties and University schools; these colleagues have shared their insights on some challenges around progressing anti-slavery efforts, while also proposing ways forward.

The University's submission identifies four key recommendations for strengthening the Modern Slavery Act:

Recommendation 1: Amend the Act's mandatory reporting criteria to **explicitly require reporting entities to provide information on their engagement with affected stakeholders, including people with lived experience of modern slavery**, in their annual statements.

Recommendation 2: Improve the **quality and transparency of reporting on grievance mechanisms and remediation of modern slavery** to align the Act more closely with the UN Guiding Principles on Business and Human Rights (UNGPs) and provide an indication of the effectiveness of a reporting entity's response.

Recommendation 3: **Develop and disseminate sector-specific due diligence guidance** to support reporting entities to effectively address the most salient modern slavery risks.

Recommendation 4: Introduce, as a priority, a **mandatory human rights due diligence obligation** for reporting entities.

To build on the recommendations shared in our submission, we would be pleased to participate in a targeted consultation workshop. Our team from the University's Modern Slavery Unit would be happy to coordinate arrangements with the Department. Their contact details are: Director – Esty Marcu (esty.marcu@sydney.edu.au) and Anti-Slavery Manager – Clare Bartram (clare.bartram@sydney.edu.au).

Yours sincerely,

(signature removed)

Professor Susan Rowland
Acting Senior Deputy Vice-Chancellor and Provost

And the undersigned:

[Neil Coe](#), Professor of Economic Geography, Head of School of Geosciences, Faculty of Science

[Chris F Wright](#), Professor of Work and Labour Market Policy and PRME Academic Director, Sydney Business School

[Martijn Boersma](#), Associate Professor in Work and Organisational Studies, Sydney Business School

[Anna Boucher](#), Associate Professor in Public Policy and Comparative Politics, Faculty of Arts and Social Sciences

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[Arunima Malik](#), Associate Professor in Sustainability, Integrated Sustainability Analysis group at the School of Physics and the Discipline of Accounting, Governance & Regulation, Sydney Business School

[Dr Jyotirmoyee Bhattachariya](#), Lecturer in Sustainable Procurement and Digital Supply Chain Initiatives, Sydney Business School

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[Dr Swati Nagar](#), Senior Lecturer in International Business, Sydney Business School

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[Swagota Kotoky](#), Sessional Academic, Sydney Business School and PhD student, UNSW Law

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[Jonathan Gold](#), Senior Manager, Ethical and Sustainable Procurement

Daniel Head, Policy Officer, Office of General Counsel

Attachments

A The University of Sydney submission to the Attorney-General's Department consultation on Strengthening the Modern Slavery Act

Attachment A

Attachment A

The University of Sydney submission to the Attorney-General's Department consultation on strengthening the *Modern Slavery Act 2018 (Cth)*

Recommendations

Proposed Amendments	University of Sydney recommendation
Subsection 16(1)(a) - Retain criterion and add requirement for a statement to identify the entities owned or controlled by the reporting entity.	Supports the proposed amendment.
Subsection 16(1)(d) and (e) - Consolidate and clarify criteria (d) and (e).	Supports the proposed amendment and the introduction of two new criteria on grievance mechanisms and remediation. Recommends several modifications to strengthen reporting (see Recommendations 1 and 2 on page 4 and page 6 respectively)
Subsection 16(1)(f) - Amend criterion to specify that a reporting entity that owns or controls entities, and/or that is submitting a joint statement, must describe its process of consultation with those entities in relation to the preparation of the statement.	Supports the proposed amendment.
Compliance and enforcement powers - Enhance regulatory powers in line with regulatory best practice and to enable the regulator to respond proportionately to non-compliance.	Supports the introduction of new regulatory powers to strengthen compliance with the Act.
Penalties for non-compliance - Consider strengthening the enforcement framework by introducing civil penalties for non-compliance.	Supports the introduction of civil penalties for non-compliance.

The University also recommends the Government develop **sector-specific guidance** (**see Recommendation 3, page 8**) to support reporting entities in meeting the Act's amendments and encourage targeted responses to salient modern slavery risks. This guidance should include providing reporting entities with direction on sector-specific risks, such as through the **high risk declaration model** proposed in the Modern Slavery Act Review.

While noting that obligations for a due diligence system are not the focus of the Stream A consultation, the University strongly recommends strengthening Australia's response to modern slavery and human rights by introducing, as a priority, **a duty to undertake due diligence** (**see Recommendation 4, page 9**).

More details on the above recommendations are provided below and in our previous submissions:

- [University of Sydney submission to the Modern Slavery Act Review, 2022](#)
- [University's submission on the Anti-Slavery Commissioner's Strategic Plan 2025-2028](#)

Recommendation 1: Amend the Act's mandatory reporting criteria to explicitly require reporting entities to provide information on their engagement with affected stakeholders, including people with lived experience of modern slavery, in their annual statements.

- We support the inclusion of engagement with internal and external stakeholders in the Act's proposed amendments to subsection 16(1)(d). We also recommend inserting a new, separate criterion on *engagement with internal and external stakeholders, including potentially affected stakeholders*, to indicate its importance to meaningful modern slavery responses and more closely align the Act with the UNGPs.
- The new reporting criterion should be developed in consultation with people with lived experience and affected stakeholders and should be accompanied by guidance and resources to support safe, trauma-informed and coordinated engagement that avoids consultation burden.

Consultation questions (Part A):

- *Do you support the potential changes to the reporting criteria? Are any further changes needed to the reporting criteria?*
- *Do you support the matters the department proposes to include in delegated legislation (such as rules)? If not, what changes are needed?*
- *Should additional guidance be developed to assist reporting entities to comply with the proposed changes to the mandatory reporting criteria? If so, what topics should be addressed by new guidance?)*

The rationale

- **People at risk of and affected by modern slavery must be central to designing, implementing and evaluating anti-slavery interventions.** Engagement with affected stakeholders, including workers and their legitimate representatives, at-risk communities and people with lived experience, is central to the UN Guiding Principles on Business and Human Rights, which outlines that organisations should consult both internal and external human rights experts and affected stakeholders in responding to human rights impacts. The University recommends inclusion of a specific requirement to engage *affected stakeholders* to encourage all reporting entities to consider how lived experience can be integrated into their modern slavery responses.
- **There are significant knowledge and practice gaps across the Australian anti-slavery sector in how to responsibly engage survivors and at-risk communities.** Amendments to the mandatory reporting criteria need to be accompanied by guidance that takes a broad definition of potentially affected stakeholders, including people with lived experience, supply chain workers or their legitimate representatives, students, or other groups at heightened risk of modern slavery. The guidance should be co-designed with affected stakeholders and

build on the existing [resource by the Attorney-General's Department](#), supporting entities to safely engage affected stakeholders in trauma-informed and culturally sensitive ways.¹

- **The University recognises that progress in addressing modern slavery will only be achieved by meaningful inclusion of affected stakeholders. The University has set a priority to develop, within the next year, an affected stakeholder engagement plan, in collaboration with people with lived experience.** In our experience, for example, engaging students has measurably improved our identification and response to potential incidents of modern slavery. In 2024, we employed Peer Support Advisors to help raise awareness among the student population about modern slavery risks and support services available on campus. Reports of suspected modern slavery concerning students increased from four in 2023 to 19 in 2024. While modern slavery that impacts our students is likely still underreported, this increase in reporting demonstrates the value of student engagement.
- **People with lived experience face significant barriers in engaging meaningfully in anti-slavery policy and practice, with limited opportunities and funding.** Recent consultations with people with lived experience, including in Australia, by [Survivor Alliance](#) found that 47 per cent of survivors fund their own advocacy and engagement work. Amendments to the Act should be accompanied by support to help people with lived experience participate in anti-slavery advocacy and programs. There is a role for the Australian Anti-Slavery Commissioner to identify and enable opportunities for coordinated engagement to avoid a consultation burden on stakeholders, ensuring adequate compensation for time and expertise; this practice is already adopted by the NSW Anti-Slavery Commissioner for people with lived experience on his Advisory Panel.

Academic Insight

[Associate Professor Ghena Krayem](#), Sydney Law School

Centring the lived experience of victim-survivors in all aspects of policy, regulation, enforceability and support is at the heart of responding effectively to modern slavery. Whilst my research focuses on domestic, family and sexualised violence, it has given me insights and access to the lived experience of those who may have experienced forced marriage and sexual abuse in culturally diverse communities in Australia. This, no doubt, intersects with the experiences of some of the most vulnerable victims of modern slavery (women, children, and people with temporary or uncertain visa status).

With only [one in five victims detected in Australia](#), it is critical to understand why 80 per cent of victims are not accessing formal avenues of support. These low rates of reporting are similar to what we see for victim survivors of domestic and family violence where “less than 40 per cent of the women who experience violence seek help of any sort”, according to [UN Women data](#). In the majority of countries with available data, among women who do seek help, most look to family and friends and very few look to formal institutions such as police and health services. [Fewer than 10 per cent](#) of those seeking help reported to police.

These statistics, based on lived experience data, tell us that the most important support for victims may be found outside of formal systems and processes. Indeed, it brings to the forefront

¹ The University of Sydney's Associate Professor Boucher's new research on the lived experiences of survivors of modern sex slavery in migration settings is considering the meaning of “trauma-informed” in public policy, legal and interviewing settings, which could provide insights for the development of guidance on engaging survivors.

the importance of workplaces, universities, schools, cultural and religious organisations and community when responding to modern slavery in Australia. This needs to go beyond box ticking compliance and to consider how victims may be identified or themselves reach out in these contexts. This also needs to be culturally responsive and appropriate to ensure that it is the victims' experiences that are leading responses by all stakeholders.

Academic Insight

[Polina Smiragina-Ingelström](#), *Research Affiliate, Sydney Institute of Criminology; Lecturer and senior research manager at the Danish Institute in Stockholm (DIS)*

Amendments to the Modern Slavery Act, particularly those that focus on reporting entities' actions to engage people with lived experience, should address difficult-to-reach and rarely identified groups of victims, as well as forms of exploitation that are often overlooked. These include human trafficking and intersecting crimes, such as offences that may be legally or socially classified under other categories but that involve elements consistent with trafficking, such as Child Criminal Exploitation or CCE. Just as migrant worker exploitation may be framed as "immigration offences" instead of trafficking, CCE might be treated as "youth offending" rather than exploitation.

As a consequence, victims are often punished or ignored and remediation is bypassed, because if it is "not modern slavery," there is no obligation to provide remedy under the current Modern Slavery Act.

Amendments to the Modern Slavery Act should focus on a:

- A sensitive, survivor-centred approach, recognising that victims may self-identify as "workers with debt" or "children in trouble," rather than as "people experiencing modern slavery."
- Ensure the non-punishment principle.
- Ensure victim-centred remedies regardless of where on the continuum of exploitation (or under which legal category) exploitation falls.

This approach may help shift reporting away from a narrow compliance focus towards a protection lens, where support is available to all victims of exploitation, including those whose situations contain modern slavery indicators but are not formally identified as such.

Recommendation 2: Improve the quality and transparency of reporting on grievance mechanisms and remediation of modern slavery to align the Act more closely with the UN Guiding Principles on Business and Human Rights and provide an indication of the effectiveness of a reporting entity's response.

- We support the proposed new criteria to subsection 16(1)(d).
- Along with the proposed additional reporting requirements to be specified in delegated legislation, ensure alignment with good practice by including requirements to report on:
 - Modern slavery-related grievances by number and type of modern slavery, as per the Act's definition. These should be reported in a de-identified way to safeguard complainants.
 - The outcome of reports made via the grievance mechanism.
 - Engagement with potentially affected stakeholders in development, implementation and review of grievance mechanisms and remediation.

Consultation questions (Part A):

1. *Do you support the potential changes to the reporting criteria? Are any further changes needed to the reporting criteria?*
2. *Do you support the matters the department proposes to include in delegated legislation (such as rules)? If not, what changes are needed?*
6. *Should reporting entities be required to report information about grievance mechanisms? If so, what specific information about grievance mechanisms should entities be required to report on?*
8. *Should reporting on remediation be a separate mandatory reporting criterion? If so, what specific information about remediation actions and processes should entities report on?*

The rationale

- **Mandatory grievance reporting levels the playing field among reporting entities by providing a “stress test” of the effectiveness of modern slavery responses.** There is growing awareness that modern slavery is likely in the supply chains of all global organisations. Disclosing grievances and their response provides an indication of whether an organisation’s policies and processes are proactively and effectively identifying instances – and demonstrates whether the organisation is producing outcomes for people.
- **Levelling the playing field, through grievance reporting, also helps to encourage sector-based and multi-stakeholder collaboration by allowing for “safe conversations” on identified modern slavery.** For example, strengthened grievance reporting would support an open platform for sector-based forums, like the Australasian Universities Procurement Network, to combine data on student-related grievances to understand the scale of the issue and develop shared approaches.
- **Engaging affected stakeholders is critical for effective grievance mechanisms and remediation.** The University supports the addition of two reporting criteria on grievance mechanisms and remediation processes and actions. We also recommend these are strengthened through further disclosure requirements, specifically for reporting entities to provide information on how affected stakeholders were engaged in the grievance and remediation process. Our consultation with civil society organisations (see Academic Insight below) strongly indicated that engaging affected stakeholders from design of a mechanism through to provision of remedy was central to building a trusted response, where the people with lived experience have agency and safety.

Academic Insight

Monash Centre for Financial Studies research on modern slavery grievance mechanisms, supported by the University of Sydney (publication forthcoming).

The University of Sydney is supporting a project, led by Monash Centre for Financial Studies, to develop a good practice framework on modern slavery grievance mechanisms, which will be used to assess ASX100 reporting. To capture a diversity of views on best practice in the framework, the University of Sydney engaged with anti-slavery organisations: Anti-Slavery Australia, the Australian Red Cross, International Justice Mission, The Salvation Army, Be Slavery Free, Australian Catholic Anti-slavery Network (ACAN), the Cleaning Accountability Framework (CAF) and Electronics Watch.

Transparency in grievance reporting was a key theme that emerged from the roundtable discussions. Experts indicated that reporting on a) grievances, b) remediation provided by the organisation and c) the outcome were critical to building confidence and trust in the mechanism. Uptake of a grievance mechanism requires two factors: awareness that the mechanism is being used by other potentially affected stakeholders and assurance that grievances are appropriately addressed. These factors can both be achieved through transparent reporting on responses.

Recommendation 3: Develop and disseminate sector-specific due diligence guidance to support reporting entities to effectively address the most salient modern slavery risks.

- Work with affected stakeholders and their representatives, reporting entities, civil society organisations and academics with sector-specific expertise to ensure reforms to the Modern Slavery Act are accompanied by sector-appropriate guidance.
- Provide reporting entities with direction on risks salient to their sector, such as through high risk declaration model proposed in the Modern Slavery Act Review. Consider the opportunity to leverage existing tools, such as the NSW Anti-slavery Commissioner's Inherent Risk Identification Tool, to promote consistency in risk assessments and reduce the burden on entities reporting under NSW and Commonwealth legislation.

Consultation questions (Part A):

- *Should additional guidance be developed to assist reporting entities to comply with the proposed changes to the mandatory reporting criteria? If so, what topics should be addressed by new guidance?)*

The rationale

- **The Modern Slavery Act 2018 (Cth) and accompanying guidance are not fit-for-purpose for non-corporate reporting entities, such as universities.** The higher education sector faces unique and complex modern slavery risks across its value chains, including in research activities, student placements and recruitment, donations and partnerships. The sector would benefit from tailored, good practice guidance and opportunities for coordinated sector-based approaches.
- **Sector-specific responses enable pooling of collective leverage to address shared challenges.** For example, through the Australasian Universities Procurement Network's Anti-Slavery Program, we have combined our purchasing

power with other participating universities to undertake targeted engagement and capacity building with suppliers providing laboratory consumables, a significant risk for the higher education sector.

- **Sector-based approaches can support more targeted due diligence, tailored to the unique risks within each sector.** Risks present differently within and across sectors, depending on buyer, supply chain and population characteristics (e.g. gender). The introduction of a high risk declaration model, as proposed in the Modern Slavery Act Review, should be accompanied by sector-specific guidance to support reporting entities to respond to the identified risk appropriately. Accompanying guidance for declared risks should help to facilitate disaggregated data collection to improve visibility of the nature and scale of the risk.
- **Sector-based responses encourage innovative approaches to risks along the value chain.** For example, while most risks to students are outside of the University's direct control (i.e. they commonly occur in workplace and home settings), the sector is uniquely placed to support students to identify modern slavery indicators and access help. On 3 September 2025, the University of Sydney hosted a roundtable with universities across Australia to identify how the sector can better safeguard students against modern slavery risks. The roundtable marked a significant step forward in the sector's collective response to modern slavery. By centering lived experience, fostering cross-sector partnerships, and committing to systemic change, universities can lead the way in protecting some of the most at-risk members of their communities.

Recommendation 4: Introduce, as a priority, a mandatory human rights due diligence obligation for reporting entities.

The rationale

- While amendments to the mandatory reporting criteria are important to improve the quality of reporting under the Act, **introduction of a mandatory human rights due diligence (HRDD) obligation, as a priority, is needed to progress efforts to end modern slavery** and bring Australia in line with international developments.
- **There is no clear evidence that the Modern Slavery Act has resulted in positive changes for people living in modern slavery.** Research by University of Sydney academics and others shows that most modern slavery statements do not demonstrate tangible outcomes for affected people, focusing on "tick the box" compliance over meaningful change.²
- **A HRDD obligation would harmonise legislative obligations for universities and state-owned corporations also reporting under the NSW Modern Slavery Act**, which requires entities to undertake due diligence, in line with the UNGPs (referred to as "reasonable steps"), to ensure the goods and services they source are not the product of modern slavery. The NSW Auditor-General is empowered to review entities against these reasonable steps.

² See publications by [UNSW Australian Human Rights Institute and others](#) on the effectiveness of the Modern Slavery Act, along with [Compliance without ambition: ASX200 reporting under Australia's Modern Slavery Act](#), [Australian Council of Superannuation Investors](#), 2023; Kotoky, S., [An evaluation of the implementation of Australia's anti-modern slavery laws by the ASX 100 companies](#), The University of Sydney, 2022; [Modern Slavery Statement Disclosure Quality Ratings: ASX100 Companies Update 2024](#), Monash Centre for Financial Studies.

- **A HRDD obligation would ensure Australia keeps pace with growing momentum towards HRDD.** [Thailand](#) has recently proposed a new HRDD law for business, which, if passed, will set the standard for legislative reform across the Asia-Pacific region. [Malaysia](#) has recently released plans to strengthen corporate accountability for human rights, aligned with the UNGPs, while a [UK Parliamentary Committee](#) in July 2025 called for new HRDD duties for businesses. Australia should introduce a mandatory HRDD obligation to ensure we remain a leader in respecting human rights and a partner of choice in our region and internationally for ethical business.
- **Australian organisations are increasingly affected—both directly and indirectly—by this global shift towards HRDD.** For example, while the University is not subject to the EU Corporate Sustainability Due Diligence Directive, we may be required to monitor responses to the legislation to meet contractual relationships with European partners and manage EU-based suppliers. We also anticipate that international grant providers and donors may impose stricter compliance on universities to keep pace with stronger legislation abroad.

Academic Insight

Associate Professor [Martijn Boersma](#), *Discipline of Work and Organisational Studies, Sydney Business School*

Human rights due diligence moves reporting entities from performative reporting towards a cycle of assessing risks, integrating findings into purchasing and sourcing decisions, tracking outcomes, and communicating results, all consistent with the [UN Guiding Principles](#). [A 2023 report](#) illustrates this point, identifying stakeholder and supplier engagement as weak spots and shows how superficial practice undermines detection and remedy - for example, only 26 per cent of surveyed firms screen new suppliers using HRDD, and roughly four per cent involve intended users in designing grievance mechanisms. Complementing this, [other findings from 2023](#) indicate broad agreement that current responses rarely benefit victim-survivors and document strong support for mandatory HRDD (61 per cent), while also urging deeper supplier relationships and union engagement to enable remediation.