



MODERN SLAVERY ACT SUPPLEMENTARY GUIDANCE: APPROVAL AND SIGNATURE OF MODERN SLAVERY STATEMENTS

The Australian Border Force (ABF) has developed this supplementary guidance to clarify how entities should comply with the requirements set out in the *Modern Slavery Act 2018* (the Act) for approval and signature of modern slavery statements (statements). These requirements for approval and signature ensure that senior management is involved in and accountable for their entity's response to modern slavery. They also ensure that statements submitted to the ABF are suitable and approved for public access on the ABF's Online Register for Modern Slavery Statements. The ABF will not publish statements that do not meet the Act's requirements for approval and signature.

WHAT DOES THE MODERN SLAVERY ACT REQUIRE?

Section 13 of the Act requires statements given by single reporting entities to be approved by the principal governing body of the reporting entity and signed by a responsible member of the reporting entity.

The principal governing body is the body or group of members with primary responsibility for the governance of the reporting entity. A responsible member is a decision-making member of the reporting entity. Where a reporting entity has a principal governing body, the responsible member will be a member of that body.

The Act does not permit delegation of approval authority, including to an Executive Committee.

HYPOTHETICAL EXAMPLES OF A COMPLIANT RESPONSE

Example: Company

This statement was approved by the board of Unicorn Pharmaceuticals on 21 November 2020.

*Jane Doe
Managing Director
23 November 2020*

Example: Partnership

This statement was approved by all partners of FellCo Confectionary on 12 September 2020.

*Jane Doe
General Partner
16 September 2020*

Example: University

This statement was approved by the University Council of Eastern Australia University on 21 November 2020.

*John Smith
Chancellor
23 November 2020*

Example: Sole Director (a sole director of a company can both approve and sign the statement)

This statement was approved by Jane Doe as the Sole Director of Simple Building Co.

*Jane Doe
Sole Director
11 September 2020*

Example: Trust

This statement was approved by the board of trustees for Rapid Trust on 21 November 2020.

*Jane Doe
Trustee
4 December 2020*

WHAT DOES THE MODERN SLAVERY ACT REQUIRE?

Section 14 of the Act provides three options for approval and signature of joint statements:

- **OPTION ONE:** The principal governing body of each reporting entity covered by the statement approves the statement and a responsible member of each reporting entity signs the statement
- **OPTION TWO:** The principal governing body of a higher entity (such as a global parent) approves the statement and a responsible member of the higher entity signs the statement. The higher entity does not have to be a reporting entity itself.
- **OPTION THREE:** If it is not practicable to comply with Option One or Option Two, the principal governing body of at least one reporting entity covered by the statement approves the statement and a responsible member of that reporting entity signs the statement. The statement must also explain why this option was taken.

HYPOTHETICAL EXAMPLES OF A COMPLIANT RESPONSE

Example: Option One

This statement was approved by the boards of each of the three reporting entities covered by this statement. The board of Unicorn Pharmaceuticals approved this statement on 21 November 2020. The boards of EZ Access Healthcare Australia and Unicorn Laboratories Australia approved this statement on 23 November 2020.

*Jane Doe
Managing Director: Unicorn Pharmaceuticals
21 November 2020*

*John Doe
Director: EZ Access Healthcare Australia
23 November 2020*

*Jane Smith
Chair of the Board: Unicorn Laboratories
23 November 2020*

Example: Option Two

This statement for BrightArm Security Australia was approved by the board of BrightArm Security Services International as the parent entity on 5 December 2020.

*John Smith
Managing Director: BrightArm Security Services International
6 December 2020*

Example: Option Three

This statement was approved by the board of Far'n'Wide Constructions on 12 December 2020. The board of Far'n'Wide Constructions approved this statement on behalf of Far'n'Wide Constructions and the second reporting entity covered by the statement, Far'n'Wide Holdings Australia.

The board of Far'n'Wide Holdings Australia did not approve this statement because Far'n'Wide Holdings Australia is a holding company which does not have any outward facing operations or undertake external procurement. All procurement for Far'n'Wide Holdings Australia is undertaken through Far'n'Wide Constructions. Page 8 of this statement outlines how Far'n'Wide Holdings Australia was consulted on the development of this statement.

*Jane Doe
Managing Director: Far'n'Wide Constructions
12 December 2020*

If the above examples do not reflect the particular corporate structure of your entity, the ABF recommends that you include in your statement a description of the approach taken by your entity in meeting these criteria, clearly identifying your entity's principal governing body, date of approval and responsible member.