

MODERN SLAVERY ACT SUPPLEMENTARY GUIDANCE: REPORTING ENTITIES SIGNATURE OF A RESPONSIBLE MEMBER

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 signature of modern slavery statements (statements). These requirements for 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 publication on the 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 signed by a responsible member of the reporting entity. Section 14 of the Act sets out the same requirement for joint statements.

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.



It is important to ensure that approval from a responsible member shows that individual has the authority to approve the statement and includes:

- (a) The approver's name
- (b) The approver's title or position (e.g. CEO, Director, member of the board)
- (c) A copy of their signature or wording to explicitly show their approval of the statement.

Entities should ensure the approval of a responsible member is included in the statement and not in an external document. If the signature is in a separate document it is unclear whether the approval is for the modern slavery statement or the external document.

A statement cannot be signed by individuals' who do not meet the definition of a responsible member.

*The Information in this guidance is not legal advice.

HYPOTHETICAL EXAMPLES OF A GOOD PRACTICE RESPONSE FOR REPORTING ENTITIES

Good Practice Example for a Company:

This statement is signed by Jane Doe in her role as the managing director of Unicorn Pharmaceuticals on 21 November 2020.

Jane Doe
Managing Director of Unicorn Pharmaceuticals
21 November 2020

Good Practice Example for a Partnership:

This statement was approved by all partners of FellCo Confectionary on 12 September 2020 and is signed by Jane Doe, General Partner.

Jane Doe
General Partner for Fellco Confectionary
12 September 2020

Good Practice Example for an Entity managed by a Senior Officer Outside Australia:

This statement was approved by Senior Officer Outside Australia John Smith in his role as principal governing body and responsible member of Grey Bank on 21 November 2020.

John Smith
Senior Officer Outside Australia for Grey Bank
24 November 2020

Good Practice Example for an Entity managed by a Sole Director:

This statement was approved and signed by Jane Doe as the Sole Director and principal governing body of Simple Building Co.

Jane Doe
Sole Director of Simple Building Co
11 September 2020

Good Practice Example for a University:

This statement was approved by the University Council and signed by Chancellor John Smith.

John Smith
Australia University Chancellor
11 September 2020

HYPOTHETICAL EXAMPLES OF A COMPLIANT RESPONSE FOR REPORTING ENTITIES

Compliant Example for a Company:

(Signature)
Jane Doe
Managing Director of Unicorn Pharmaceuticals

Compliant Example for a Partnership:

(Signature)
Jane Doe
Partner

Compliant Example for an Entity managed by a Senior Officer Outside Australia:

(Signature)
John Smith
Senior Officer Outside Australia

Compliant Example for an Entity managed by a Sole Director:

(Signature)
Jane Doe
Sole Director

Compliant Example for an Entity managed by a Trust:

(Signature)
Jane Doe
Trustee

Compliant Example for a University:

(Signature)
John Smith
Chancellor

HYPOTHETICAL EXAMPLES OF A NON-COMPLIANT RESPONSE FOR REPORTING ENTITIES

Non-Compliant Example 1:

(Signature here)
Jane Doe

Non-Compliant Example 2:

(Signature here)
Jane Doe
Procurement Officer

Non-Compliant Example 3:

(Signature here)
Jane Doe
Risk Officer

Non-Compliant Example 4:

(Signature here)
Jane Doe
Authorised Officer

Non-Compliant Example 5:

(Signature here)
Jane Doe
General Counsel (*if not a member of the board)