

## MODERN SLAVERY ACT SUPPLEMENTARY GUIDANCE: GOOD PRACTICE EXAMPLES OF MANDATORY REPORTING CRITERIA SIX: *Describe the process of consultation with any entities the reporting entity owns or controls.*

The Australian Border Force (ABF) has developed this supplementary guidance to demonstrate examples towards good practice, compliant and non-compliant responses to mandatory reporting criterion six 'Describe the process of consultation with any entities the reporting entity owns or controls' in their modern slavery statements'. These examples relate to compliance in the first reporting cycle. All modern slavery statements must address all mandatory reporting criteria.

### WHAT DOES THE MODERN SLAVERY ACT REQUIRE?



Mandatory reporting criteria six requires statements given by single reporting entities to describe how they consulted in the preparation of their statement with any entities they own or control. In the case of joint statements, the reporting entity must describe how they consulted with each entity covered by the statement in the preparation of their statement.



If the reporting entity does not own or control any entities, it is important it makes this explicitly clear in the statement.

The level of consultation the reporting entity undertakes should reflect the relationship with the other entity and their risk profile. Consultation should be sufficient to ensure that the modern slavery risks relating to the other entities have been appropriately identified, assessed and addressed and that the other entities are aware of what actions need to be undertaken.

\*The Information in this guidance is not legal advice.

### HYPOTHETICAL EXAMPLES TOWARDS GOOD PRACTICE RESPONSE\*\*

#### Example 1:

*During the reporting period this statement covers, actively engaged and consulted with all companies we own or control in the development of this statement (entity's outlined in attachment A). We discussed details of the Modern Slavery Act 2018's reporting requirements; information regarding the actions we intend to take to address these requirements and provided them with relevant materials and updates.*

OR

#### Example 2:

*Where we owned or controlled an entity during this reporting period we met with Entity A and Entity B to frame our expectations, raise awareness and understand their approach in mitigating modern slavery risks. As part of the development of this statement, a Modern Slavery Working Group was established with senior executives from Entity A and Entity B to inform and contribute to the development of the statement.*

OR

#### Example 3:

*We do not own or control any other entities and therefore this criteria is not applicable.*

\*\*These examples are illustrative of reporting that went beyond minimal compliance and towards better practice. As per our *Guidance for Reporting Entities*, entities should look to continually improve and build on their response each reporting period.

### HYPOTHETICAL EXAMPLES OF A COMPLIANT RESPONSE

#### Example 1:

*We consulted the relevant companies we own or control in the development of this statement.*

OR

#### Example 2:

*In order to prepare this joint statement, we engaged with each of the reporting entities covered by this statement and consulted the entities we own or control.*

OR

#### Example 3:

*We do not own or control any other entities.*

### HYPOTHETICAL EXAMPLES OF A NON-COMPLIANT RESPONSE

#### Example 1:

*We did not need to consult on the development of this statement due to shared processes across associated entities.*

OR

#### Example 2:

*Internal Stakeholders were consulted on the development of this modern slavery statement.*

OR

#### Example 3:

*We have consulted with all entities that we own or operate on a number of our modern slavery policies. (This example fails to mention preparation of their modern slavery statement).*

OR

#### Example 4:

*[No evidence of this criterion being addressed in the statement]*