



Modern Slavery Statement

1 Combatting Modern Slavery

This Statement is submitted on behalf of Mills Oakley under section 13 of the *Modern Slavery Act 2018* (Cth) (**MSA**) to cover our second reporting period of 1 July 2020 – 30 June 2021.

Modern Slavery practices are violations of human rights and serious crimes. The United Nations has estimated that there are more than 40 million victims of Modern Slavery worldwide. With 62% of these victims being exploited in the Asia-Pacific region,¹ Australian markets have a close proximity to Modern Slavery practices both geographically and within the many supply chains of big businesses.

We believe Australian businesses have an obligation to respect, protect and fulfil human rights and fundamental freedoms. This includes identifying, assessing and addressing the risks of Modern Slavery in an entity's operations and supply chains to ensure Australian goods and services are not tainted by Modern Slavery.

Mills Oakley has a proud tradition of assisting vulnerable members of the community to protect their rights. For many years, up to and including the subject reporting period, we partnered with Australia's leading humanitarian law firm to provide pro bono services to disadvantaged individuals. In January 2021, Mills Oakley launched a new charity dedicated to pro bono work - Everyday Justice. Everyday Justice provides free legal advice to people and organisations who cannot access means-tested Legal Aid Services or afford a private lawyer without incurring substantial financial hardship. Everyday Justice acts for free in public interest law matters involving issues such as social or public welfare, human rights, reconciliation, the natural environment and the protection of animals.

Mills Oakley has every desire to maintain responsible, transparent operations and supply chains and to ensure that we do not cause, contribute to or become directly linked to any instances of Modern Slavery.

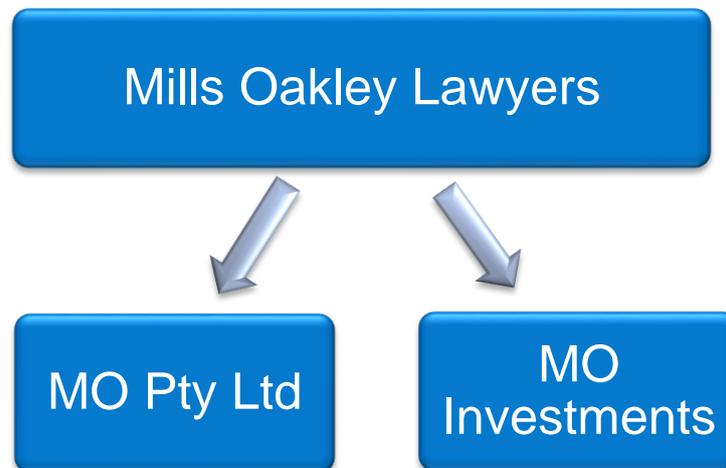
2 Identification, structure, operations and supply chains

Mills Oakley (ABN 51 493 069 734) is a partnership, with our registered office at Level 6, 530 Collins Street Melbourne, Victoria. Mills Oakley is a full service, national commercial law firm providing legal services to our clients. We have been trading for 157 years and have an innovation and client focus. We have offices in Melbourne, Sydney, Brisbane, Canberra and Perth. We are resourced by over 120 partners and we employ over 800 staff.

Mills Oakley also fully owns Mills Oakley Investments Pty Ltd (**MO Investments**) and Mills Oakley Lawyers Pty Ltd (**MO Pty Ltd**) (together the **MO Entities**). MO Investments operations consist entirely of holding our investments. MO Pty Ltd manages the business affairs of the company but does not hold any assets. Neither of these entities employ staff.

Neither MO Investments nor MO Pty Ltd are reporting entities under the MSA, but both are entities that Mills Oakley owns or controls.

¹ Global Slavery Index Findings – Asia Pacific Region



Everyday Justice is 100% owned by Mills Oakley and is not a reporting entity under the MSA. Everyday Justice has 3 staff members who are on permanent arrangements. Everyday Justice also aims to provide a pathway for aspiring lawyers to gain the practical legal experience required for admission, offering internships to law graduates and newly qualified lawyers interested in pursuing careers in the social justice sector. Everyday Justice engages approximately 10 volunteer interns at a time who work part time (on average, 2 days per week) while they complete the 75 days of work experience required through the *Practical Legal Training* program. None of the Everyday Justice staff work on an arrangement where their visa ties them to the business.

About 8% of Mills Oakley's workforce is made up of sub-contractors or consultants. We employ seasonal clerks which make up 0.4% of our workforce. The only seasonal workers that we employ are our seasonal clerks. About 9.5% of our workforce are on casual employment contracts. Of our entire workforce, only 3 staff members are from overseas, working in an arrangement where their visa ties them to the business. We do not hold any original copies of our employees identification documents. All workers recruited from overseas are paid in accordance with Australian laws regarding awards and wages. Neither MO Investments nor MO Pty Ltd employ staff.

Tier 1 of our supply chain is made up of about 435 suppliers. These suppliers provide goods and services to Mills Oakley, the MO Entities and Everyday Justice. Mills Oakley acknowledges that our supply chain extends beyond those that we have direct contractual relationships with. Our tier 1 suppliers include: search provider services; information and technology hardware and software; furniture and fit-outs; archiving services; insurance; recruitment services; stationery; consultancy services; postage and printing services; telecommunications; transport and travel services; food and groceries; security services; cleaning and maintenance services; barrister and legal services; and marketing and advertisements. MO Investments holds only a small number of investments in Australian start-up companies. Everyday Justice has 3 suppliers unique to its own operations including 2 suppliers of software and one webpage design supplier. All are based in Australia or New Zealand.

Of our 435 direct suppliers, 95% are based on Australia. The remaining suppliers are based in the USA, UK, Netherlands and New Zealand. We also have one supplier in India and one in the Philippines. There are about 8 suppliers in our tier 1 list that we are still in the process of confirming the geographic location for. For our major suppliers we have a scheduled service delivery meeting, ordinarily conducted annually.

3 Risks of Modern Slavery

Mills Oakley is aware that because of the prevalence of Modern Slavery, in particular in the Asia-Pacific region, every entity has risks of Modern Slavery in its operations and supply chains.

Mills Oakley acknowledges that understanding where the risks of Modern Slavery are in our operations and supply chains is a crucial step towards taking effective and accurate action in response to those risks. We have carefully considered the United Nation's Guiding Principles on Business and Human Rights to gain a deeper appreciation of how an entity like ours can cause, contribute to, or become directly linked to Modern Slavery.

Our operations primarily involve the provision of legal services, and we consider them to be lower risk. Lawyers are subject to stringent rules around ethics and conduct and, furthermore, our industry is closely regulated. We consider that this lowers the risk of Modern Slavery practices within our operations. We have only 5 premises on which our employees work and all employees are contracted to work regular business hours. This allows greater visibility over our workforce and the safety of our employees. Amongst other practice areas, Mills Oakley provides expert advice in the areas of workplace relations, employment, safety and Modern Slavery and are acutely aware of the laws, regulations and best practices in this area. We apply the same expertise that our clients receive to our own operations and in dealings with our own employees. We consider the application of this knowledge to our own operations to further decrease the risks of Modern Slavery occurring within same.

Given our structure as a national partnership, we operate in a decentralised procurement model which means that processes, relationships and timeframes involved in procurements can vary. We understand this dispersal of oversight may increase the risk of Modern Slavery. However, while oversight is decentralised, we do conduct scheduled service delivery meetings with our contracted suppliers and carefully monitor performance and any issues arising from these relationships. Most of our contracts are longer-term stable contracts and due to the lengths of the contracts and the nature of our operations we don't often place particularly short delivery timeframes on our suppliers.

Tier 1 of the MO Entities' supply chain is made up of about 435 suppliers, which for entities of our size we consider to be a relatively small cohort. As such, our visibility over these suppliers is increased and the risk of Modern Slavery is reduced somewhat. We note also that the contents of our tier 1 supply chain are not overly diverse. Many of our 435 direct suppliers provide the exact same types of goods and services to Mills Oakley being solely those items necessary for the provision of professional services. Though we understand the risk with each supplier is unique, we believe having a smaller range of goods and services is helpful in increasing our visibility over potential risks to an extent.

We have identified the following suppliers as posing a higher risk of Modern Slavery, due to the particular category of goods or services that they supply: information and technology, office fit-outs, recruitment, stationery, cab services, milk suppliers, coffee suppliers, catering services, security services and maintenance services.

Of our 435 direct suppliers, 95% are based on Australia. The remaining suppliers are based in the USA, UK, Netherlands and New Zealand, which according to available literature are low-risk geographic locations. However, we have one supplier in India and one in the Philippines which we are aware are high-risk geographic locations and we will endeavour to seek more information regarding these entities in future reporting periods. There are also about 8 suppliers in our tier 1 list that we are still in the process of confirming the geographic location for. We acknowledge that lack of visibility is a high risk itself. As such, until we can conclusively confirm the location of these 8 suppliers, we will consider them to be higher risk.

Mills Oakley acknowledges that our supply chain extends beyond those that we have direct contractual relationships with. We also understand that our risk assessment may drastically change as we peer

deeper into our supply chains. We promise to further understand the subsequent layers of our supply chains in future reporting periods.

Mills Oakley is not aware of any actual incidents of Modern Slavery cases that it has caused, contributed to or been directly linked to. We are aware that fully understanding our position in this regard is a complex and challenging exercise and we endeavour to continue to search for more risks and information to further assure ourselves of this position. We are fully aware that absence of evidence is not always evidence of absence.

Mills Oakley acknowledges the impact that the COVID-19 Pandemic has had on Modern Slavery risks. We have carefully considered how the COVID-19 Pandemic may have increased the vulnerability of workers in our operations and supply chains. For example, we know the production of rubber gloves and other PPE have been linked to the use of Modern Slavery practices. Whilst we have been able to use work from home and other avenues in our COVID-19 response and have not required large quantities of PPE in our operations, we understand that our cleaners and other suppliers that we work with have had to increase their usage of same. We also acknowledge the reduced oversight we have regarding our workers health and safety in scenarios where they have been compelled to work from home due to lockdowns. We have been careful to implement various processes to ensure we maintain strong connections and communications with our staff who have been unable to attend the office due to COVID-19 lockdowns. We know that the sudden, unprecedented changes have likely placed great pressure on a number of businesses and that any such pressures may expose vulnerable workers to exploitation. We understand that the uncertainty and affects of the COVID-19 Pandemic are ongoing.

4 Actions to assess and address risks

Mills Oakley is making a concerted effort to identify, prevent, mitigate and account for how it addresses Modern Slavery risks. Our desire is to take meaningful action in this space and, as such, we have adopted a continuous improvement approach looking to build upon the action taken in our first reporting period and will ensure that the quantity of action taken does not become priority over the quality of action at any point in time. This approach is consistent with the United Nation's Guiding Principles on Business and Human Rights.

Our operations

Lawyers are subject to stringent rules around ethics and conduct, and furthermore our profession is closely regulated. We also comply with all Australian workplace laws including the *Fair Work Act 2009* (Cth), with the guidance of our workplace relations, employment and safety specialists and experts. All of our employees are provided with employment contracts detailing the conditions of their employment and their various rights and obligations.

Policies and procedures

We understand that staff play a key role in our due diligence. In reporting period 2, Mills Oakley rolled out its specific Modern Slavery Policy (the Policy) which is applicable to all staff and outlines the Mills Oakley's commitment to detect, assess, address and report on the risks of Modern Slavery or human trafficking within Mills Oakley's operations and supply chains. This Policy details to staff the various pieces of legislation and guiding material that Mills Oakley expects all staff to comply with, including:

- *Fair Work Act 2009* (Cth);
- *Modern Slavery Act 2018* (Cth);
- *Modern Slavery Act 2018* (NSW);

- *Australian Criminal Code Act 1995 (Cth)*, specifically, Division 270 or 271 of the Criminal Code, extending to conduct in and outside of Australia;
- Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and
- ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

The Policy educates our staff on the definition of Modern Slavery and highlights areas within our operations and supply chains that may be higher risk. The Policy details to staff what our risk assessment and due diligence processes are in this area.

Finally, from a remedial perspective we advise staff that any staff member who breaches the Policy by engaging in or conspiring to engage in any Modern Slavery conduct may face disciplinary action, that Mills Oakley may terminate relationships with individuals or organisations on a breach and that referral action to proper authorities will be taken in cases involving breaches of the criminal law.

Our Policy was rolled out to all staff via an email which provided a copy of the Policy and our first Modern Slavery Statement. The Policy is available to staff at all times on our Intranet.

We have also created a specific Modern Slavery webpage on our intranet which includes a copy of our Policy, our Modern Slavery Statements and our Supplier Code of Conduct for staff to access at any time. It has an easy to use FAQ section to assist and educate our staff in this area. We inform our staff of the MSA, our training, reporting avenues, and the various steps we are taking in this area. We provide staff with the contact details of our internal Modern Slavery experts for further queries. Upon the launch of this website we sent all staff an email including a copy of our Policy, Statement, a link to our intranet page, and resources they can access for more information such as the Department of Home Affairs Modern Slavery Guidance document.

Mills Oakley understands that Modern Slavery includes only the most severe forms of exploitation. However, we also know that the existence of substandard workplace conditions can be a precursor of Modern Slavery. We have in place the following policies that we believe ensure our operations are aligned with our legal and ethical workplace requirements: Anti Bribery & Corruption Policy, Code of Conduct, Conflict Management Policy, Diversity Policy, Drug and Alcohol Policy, Fatigue Policy, Flexible Working Policy, Grievance Resolution Policy, Leave Policy, Parental Leave Policy, Recruitment Referral Policy, Risk Management Policy, Whistleblower Policy, Workplace Behaviour Policy and Workplace Health & Safety Policy.

Training

In reporting period 2, we rolled out annual training for all staff on Modern Slavery. We worked with an external training provider to create this specific online training module on Modern Slavery, which was also reviewed by our internal Modern Slavery experts. The online course helps staff understand what Modern Slavery is, the impacts of Modern Slavery in present day society, what it means to have transparency in our supply chain, the MSA, and our reporting obligations. So far, we have achieved a 76% completion rate by our staff and in reporting period 3 we will be corresponding with those staff members that have not yet completed their training.

We have also made arrangements for our internal Modern Slavery experts to conduct a tailored workshop for key stakeholders in February 2022.

Reporting

Mills Oakley acknowledges that the nature of Modern Slavery means that many victims and surrounding individuals are unable to draw attention to their circumstances for fear of negative consequences.

Mills Oakley has a detailed Whistleblower Policy which clearly sets out the circumstances around protected disclosures and encourages the reporting of matters that may cause harm to individuals. This policy ensures the protection of the identity of a whistleblower and protects whistleblowers against detrimental conduct. This allows individuals the freedom to raise reports of Modern Slavery without fear of retribution in circumstances that meet the terms of the Policy. Having retribution-free reporting avenues is a key element of accurate due diligence in this area and will ensure we have greater visibility over our risks.

Supply chain mapping

Mills Oakley understands that supply chain mapping involves examining *risks to people* and is a key part of due diligence in this area. We understand this involves setting aside our own legal, reputational and commercial risks to enable us to focus primarily on risks to people as per the United Nation's Guiding Principles on Business and Human Rights.

We have updated the list of the MO Entities' tier 1 suppliers created in reporting period 1 and have reviewed the list to create a breakdown of each supplier based on the geographic location of a supplier, as well as the category of goods or services relevant to a supplier. We are conscious that our tier 1 suppliers are just one part of the picture of our supply chain, and we promise to peer deeper into our supply chains in future reporting periods, acknowledging that our risk assessments may alter considerably as we do so.

There is no automatic correlation or causal link between an entity's spend and the actual risk of Modern Slavery occurring in a particular supplier's operations and supply chains. As such, we have not focussed solely on our high spend suppliers initially, opting instead to commence mapping with known risk indicators in this area.

Utilising existing resources such as the Global Slavery Index, the 2016 US Department of Labour report, the 2018 US Department of Labour report and the Commonwealth Modern Slavery Act – Guidance for reporting entities amongst others, we have identified higher risk suppliers based on geographic location and category of goods or services. The suppliers identified as potentially posing a higher risk of Modern Slavery include those in the areas of information and technology, office fit-outs, recruitment, stationery, cab services, milk suppliers, coffee suppliers, catering services, security services and maintenance services.

We then examined the geographic location of our suppliers. As above, two of our suppliers are based in higher risk geographic locations, and 8 we are yet to accurately map. We are therefore focussing on these 10 suppliers (**the Focus Group**) in reporting period 3, in order to better understand the risks presented by same.

Our focus in any Modern Slavery risk assessment is on the human rights impacts that might have the gravest impact, affect the greatest number of people, or a delayed response may affect remediability. At the moment, given we are only aware of risks rather than any actual incidents, we are unable to prioritise actual incidents. We have every intention of factoring in severity and irremediability into our due diligence once we have the requisite information to allow this to be done.

We understand that those suppliers that are not within the Focus Group cannot be placed aside permanently. We intend to work our way through our full supply chain in the reporting periods to come, ensuring that we do so in a meaningful way which will require greater timeframes.

Mills Oakley also acknowledges that risks in this area are fluid and can change over time as we obtain greater visibility over our supply chain, as our suppliers and supply chain changes, and as the world and the occurrence of Modern Slavery alters and shifts. We have every intention of keeping our approach adaptable and responsive to these changes.

Suppliers

In reporting period 1 Mills Oakley created a specific Supplier Code of Conduct (the Code) centred around Modern Slavery issues. In reporting period 2, we sent the Code to every one of our tier 1 suppliers.

The Code applies to all of our direct suppliers and assists greatly both in due diligence around our suppliers and in our remedial powers in the event that actual instances of Modern Slavery are ever discovered. The Code also provides that we expect our suppliers to have their own suppliers adopt the commitments in the Code.

The Code clearly articulates the standards of practice we expect of our suppliers and details our commitment to combatting Modern Slavery. Mills Oakley wants to partner with suppliers who are willing to join us in strengthening our response to Modern Slavery, who are committed to high standards of transparency and ethical conduct, and who support other suppliers in promoting corporate social and environmental responsibility.

The Code requires compliance with the following:

- *Fair Work Act 2009 (Cth)*;
- *Modern Slavery Act 2018 (Cth)*;
- *Modern Slavery Act 2018 (NSW)*;
- *Australian Criminal Code Act 1995 (Cth)*, specifically, Division 270 or 271 of the Criminal Code, extending to conduct in and outside of Australia;
- Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework;
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; and
- ILO Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

We require our suppliers not to do or omit to do anything that will cause us to breach any of the above laws and instruments. The Code educates suppliers on the definition of Modern Slavery, as well as detailing several relevant human rights and human rights related instruments and requires that suppliers uphold and comply with same. The Code details our expectations of suppliers when conducting their own risk assessments and due diligence processes. Under the Code, Mills Oakley has the right to audit our suppliers in a number of in-depth ways, and the Code requires our suppliers' full cooperation with any such processes or requests. We also require our suppliers not to take any adverse action against staff or third parties because of their disclosure of information under the Code. Suppliers are informed that referral action to proper authorities will be taken in cases involving breaches of the criminal law.

We have so far received a number of responses from suppliers in relation to our Code, detailing the steps they are taking in this space. We are in the process of reviewing the responses we have received in order to examine the impact of those responses on the risk assessments we've completed of our supply chain to date.

Our contracts with suppliers contain clauses on compliance with local laws. We have drafted precedent contract clauses that speak more specifically to Modern Slavery to add contractual weight to our supplier code of conduct. We are in the process of updating these precedent contracts from an efficiency perspective as a result of different information gathered over our first and second reporting period. We will seek to negotiate with various suppliers for the inclusion of same in our agreements in reporting

periods ahead. We currently monitor the performance of our suppliers carefully and ordinarily engage in annual review sessions with suppliers to examine any issues with the relationship and dealings.

In reporting period 2, we reviewed a copy of our current contracts with recruitment agencies that we work with. We are in the process of creating precedent clauses to be inserted into those contracts to ensure greater transparency and extra protection for our prospective employees from any Modern Slavery related conduct.

We have also drafted a detailed supplier questionnaire aimed specifically at assisting Mills Oakley in identifying and assessing the risks of Modern Slavery within our supply chain. The questionnaire is currently over 40 questions long and is reserved for particularly high risks identified as it is quite robust.

COVID-19

Mills Oakley has taken great care to monitor the health and wellbeing of our staff during the COVID-19 Pandemic. We have provided frequent communications with staff regarding support services available including our free employee assistance provider lines. We have also asked staff to participate in a number of anonymous surveys to effectively identify any issues that need to be addressed.

Mills Oakley has been able to function productively throughout the COVID-19 Pandemic and as such we have not needed to alter our agreements and arrangements with suppliers in any great way that would place new or unprecedented pressures on our supply chain.

5 Assessing the effectiveness of our actions

Mills Oakley knows that risks in this area are fluid and can change over time as we obtain greater visibility over our supply chain, as our suppliers and supply chain changes, and as the world and the occurrence of Modern Slavery alters and shifts. Furthermore, we need to be sure that the steps we are taking in this area are actually creating positive change.

We have rolled out our Modern Slavery policy and are going to conduct annual reviews of same. Our webpage is a central point of information for all staff and contains contact numbers for those within the business who have the relevant expertise to answer questions on Modern Slavery. We are keeping track of any staff queries received to understand whether there are any areas for improvement in our staff education. Our internal Modern Slavery experts are conducting an interactive workshop for key stakeholders in reporting period 3 which will enable us to check in on staff understanding in a meaningful way.

We have reviewed our supply list each reporting period to update and amend the information contained within same so that our risk assessments remain accurate. We are reviewing the responses to the Code that we have received from our suppliers so that we may utilise that information in future risk assessments.

6 Consultation

As above, this Statement is provided on behalf of Mills Oakley, which owns the MO Entities. The MO Entities share the same Board, executive teams, and employees. The MO Entities adopt the same policies and processes and, as above, share the same supply chain. The Everyday Justice Board consists of two Mills Oakley partners and the Executive Director of The College of Law's Centre for Legal Innovation. Consultation therefore happens naturally through the two Mills Oakley partners, and in particular one of those partners is our internal expert on Modern Slavery.

This Statement was created through collaboration with the following key areas of our business: Human Resources, Information and Technology, Finance and Modern Slavery specialists. Consultation occurred with the following senior personnel: our Chief Human Resources Officer, our Chief Financial Officer, our Chief Information Officer, our Modern Slavery Partner, our Learning and Development Team Leader and our National Practice Manager.

7 From our governing body

Mills Oakley makes this Statement in accordance with section 13 of the *Modern Slavery Act 2018* (Cth). Mills Oakley Lawyers considers that its governing Board is its principal governing body for the purpose of the *Modern Slavery Act 2018* (Cth). This Modern Slavery Statement was considered and approved by the governing Board of Mills Oakley Lawyers on 23 December 2021.



John Nerurker
Chief Executive Officer
Responsible Member of Mills Oakley Lawyers' Principal Governing Body