



# Modern Slavery Statement

## 2022–23



The Australia Council for the Arts proudly acknowledges all First Nations Peoples and their rich culture of the country we now call Australia. We pay respect to Elders past and present. We acknowledge First Nations peoples as Australia's First Peoples and as the Traditional Custodians of the lands and waters on which we live.

We recognise and value the ongoing contribution of First Nations peoples and communities to Australian life, and how this continuation of 75,000 years of unbroken storytelling enriches us. We embrace the spirit of reconciliation, working towards ensuring an equal voice and the equality of outcomes in all aspects of our society.

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# Foreword

Modern slavery is a criminal offence and a violation of human rights. It can take many forms such as forced labour, slavery, servitude, and human trafficking.

Since 2018, the number of people globally in situations of modern slavery has increased to 50 million,<sup>1</sup> and it is estimated that 41,000 people live in modern slavery in Australia today.<sup>2</sup>

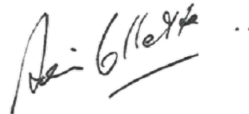
As the Australian Government's principal arts investment, development and advisory body, the Australia Council has over its 50-year history had a strong commitment to protecting human rights. During 2022-23 we continued to focus on reducing the risk of modern slavery in our operations and supply chains.

Our commitment remains steadfast with our transition from the Australia Council to Creative Australia on 24 August 2023 when the *Creative Australia Act 2023* took effect. We will sustain our robust decision-making and procurement processes in all negotiations. We remain committed to expanding and strengthening these safeguards, to increasing our awareness and to taking action where we can.

We are pleased to submit our modern slavery statement for the 2022–23 reporting period. This statement was approved by the Australia Council Board of Creative Australia on 5 December 2023.



**Robert Morgan**  
Chair



**Adrian Collette AM**  
Chief Executive Officer

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<sup>1</sup> International Labour Organization (ILO), Walk Free and International Organization for Migration (IOM) 2022, *Global Estimates of Modern Slavery: Forced labour and forced marriage*.

<sup>2</sup> Walk Free Foundation 2023, *The Global Slavery Index 2023*.

# Mandatory criteria under the *Modern Slavery Act 2018*

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# Preamble

This modern slavery statement covers the reporting period 1 July 2022–30 June 2023, during which time this body was known as the Australia Council for the Arts ('Australia Council', 'Council') and subject to the *Australia Council Act 2013*.

The *Creative Australia Act 2023* and the *Creative Australia (Consequential and Transitional Provisions) Act 2023* passed through the Senate on 16 June 2023 and received Royal Assent on 23 June 2023. Replacing the *Australia Council Act 2013*, this new legislation took effect on 24 August 2023 and established Creative Australia.

As a result, our Modern Slavery Statement 2022–23 refers to the Australia Council, not Creative Australia, as the reporting entity for the 2022–23 reporting period.

# 1. About the Australia Council

Section 16(1)(a) of the *Modern Slavery Act 2018* requires modern slavery statements to identify the reporting entity or entities covered by the statement.

The Australia Council (ABN 38 392 626 187) is the Australian Government's principal arts investment, development and advisory body. We champion and invest in Australian arts and creativity. We support all facets of the creative process and are committed to ensuring all Australians can enjoy the benefits of the arts and feel part of the cultural life of this nation.

Under section 9 of the *Australia Council Act 2013* our functions are to:

- support Australian arts practice that is recognised for excellence
- foster excellence in Australian arts practice by supporting a diverse range of activities
- support Aboriginal and Torres Strait Islander arts practice
- support Australian arts practice that reflects the diversity of Australia
- uphold and promote freedom of expression in the arts
- promote community participation in the arts
- recognise and reward significant contributions made by artists and other persons to the arts in Australia
- promote the appreciation, knowledge and understanding of the arts
- support and promote the development of markets and audiences for the arts
- provide information and advice to the Commonwealth Government on matters connected with the arts or the performance of the Council's functions
- conduct and commission research into, and publish information about the arts
- evaluate and publish information about the impact of the support the Council provides
- undertake any other function conferred on it by this Act or any other law of the Commonwealth
- do anything incidental or conducive to the performance of any of the above functions.

Our vision is that ***Creativity Connects Us***. In a creatively connected nation, creative enterprise is entrenched across society, industry and government as the resource that powers our social, cultural and economic success.

## 2. Structure, operations and supply chains

Section 16(1)(b) of the *Modern Slavery Act 2018* requires modern slavery statements to describe the structure, operations and supply chains of the reporting entity.

### OUR STRUCTURE

The Australia Council is a corporate Commonwealth entity of the Australian Government.

#### Responsible Minister

The Minister responsible for the Council during the 2022–23 year was the Hon Tony Burke MP, Minister for Employment and Workplace Relations, and Minister for the Arts.

#### Accountability

The Council's corporate governance arrangements are primarily determined by the *Australia Council Act 2013* ('the Act') and the *Public Governance, Performance and Accountability Act 2013* (PGPA Act).

Under the Act, the Council is established as a statutory authority and is governed by a Board of Directors appointed by the Minister.

The PGPA Act sets out the financial reporting, accountability and other rules that the Council must follow. The PGPA Act also prescribes the expected standards of conduct for 'responsible officials', which includes the Board and all Council employees.

#### The Australia Council Board

Board membership comprises a range of expertise across artistic practice, arts, business and finance management, public policy, corporate governance and administration, regional issues, gender, multicultural and First Nations arts and culture, philanthropy, legal affairs, corporate strategy and research.

Under the PGPA Act, our Board is directly accountable for the Council's resource management. This includes promoting efficient, effective, economical and ethical use and management of public resources. The Board is ultimately responsible for the successful performance and ongoing sustainability of the Council.

The Board has a maximum of twelve members, including the CEO who is an Executive (ex-officio) member. The CEO is appointed by the Board after consultation with the Minister. The CEO is responsible for the overall management of the organisation, its people and resources in accordance with the strategies, policies and plans approved by the Board.

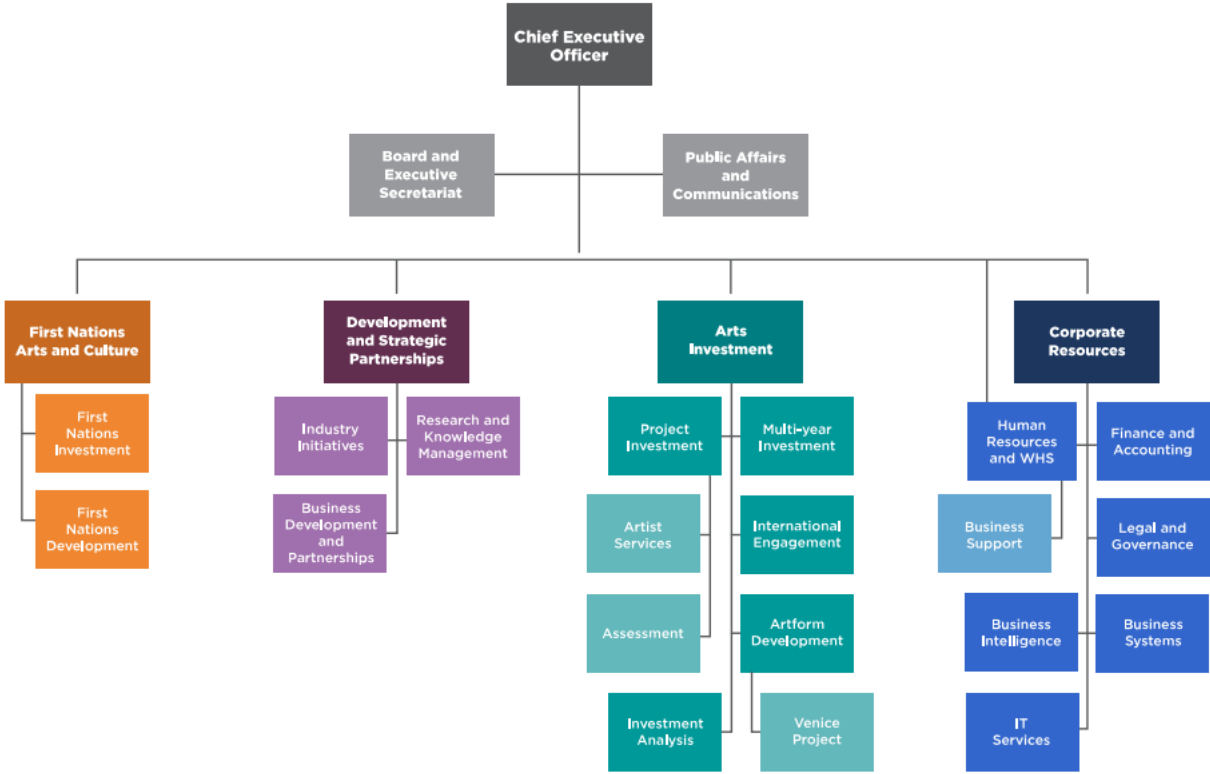
### Our organisational structure

During 2022–23, the Council had five divisions:

- Office of the CEO,
- First Nations Arts and Culture
- Development and Strategic Partnerships
- Arts Investment
- Corporate Resources

During 2022–23, the Council had an average of 106 employees.

Figure 1: Australia Council organisational structure 2022–23





## **OUR OPERATIONS**

### **What we do**

- The Australia Council champions and invests in Australian arts and creativity through an integrated program of activities.
- We invest in artists and organisations through grants, fellowships and awards that enable art to be created and experienced.
- We build capacity, skills, networks and digital mobility that increases markets and audiences for Australian creative work.
- We advocate for the social, cultural and economic value of arts and creativity.
- We advise government on matters connected with the arts.
- We deliver government policy initiatives and frameworks in support of the arts.
- We research and analyse data and insights that deepens the understanding of the role and value of arts and creativity.
- We collaborate with state, territory and local governments to develop strategic responses that support our creative sector.
- We partner with others to extend the public value of arts and culture for all Australians.

## **OUR SUPPLY CHAINS**

Our Procurement Guidelines set out the requirements for the procurement of goods and services for the Council. They apply to all our employees and contractors.

The aim of our Procurement Guidelines is to ensure all procurement activities we undertake are fair, transparent and ethical, and maintain our integrity and reputation.

Under these robust guidelines, responsible officials are required to consider social procurement when procuring goods and services. Social procurement refers to procurement practices that generate social benefits and impacts beyond the goods and services required. This includes considering SupplyNation, or other First Nations suppliers, and BuyAbility, a network of Disability Enterprises and social procurement specialists.

Social procurement has the potential to create stronger connections between economic and social policy outcomes. It can also help us deliver on sustainability and corporate social aspirations, including social inclusion, equity and fair trade.

For contracts with a value over \$50,000, Council officials must conduct due diligence checks on prospective suppliers, including reference checks.

The Council maintains open communication and transparency with our suppliers through a range of measures. These include following the Procurement Guidelines when making purchasing and acquisition decisions, including engaging with the supplier from the outset; ensuring contract performance reviews are conducted; and adhering to reporting requirements throughout the duration of the contract.

During 2022–23, the Council procured goods and services from both local and international providers with contracts primarily signed with Australian suppliers.

Contracts for goods and services included:

- sponsorships and partnerships with external parties such as arts organisations, institutions and universities
- agreements with consultants, peers, industry advisers and subject matter experts
- information and communications technology (ICT) hardware and software contracts
- contracts for internal audit and legal advisory services
- facilities and property management service agreements.

## 3. Risks of modern slavery practices

Section 16(1)(c) of the *Modern Slavery Act 2018* requires modern slavery statements to describe the risks of modern slavery practices in the operations and supply chains of the reporting entity and any entities it owns or controls.

### WHAT IS MODERN SLAVERY?

Modern slavery refers to situations where victims are subjected to coercion, threats, deception or exploitation to undermine their freedom, for the perpetrator's gain.

Modern slavery practices include:

- **trafficking in persons** – the recruitment, harbouring and movement of a person for the purposes of exploitation through modern slavery. Exploitation also includes the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs
- **slavery** – where the offender exercises powers of ownership over the victim
- **servitude** – where the victim's personal freedom is significantly restricted, and they are not free to stop working or leave their place of work
- **forced labour** – where the victim is either not free to stop working or not free to leave their place of work
- **forced marriage** – where coercion, threats or deception are used to make a victim marry or where the victim does not understand or is incapable of understanding the nature and effect of the marriage ceremony
- **debt bondage** – where the victim's services are pledged as security for a debt and the debt is manifestly excessive or the victim's services are not applied to liquidate the debt, or the length and nature of the services are not limited and defined
- **the worst forms of child labour** – involves situations where children are exploited through slavery or similar practices, including for sexual exploitation or engaged in hazardous work which may harm their health or safety, or used to produce or traffic drugs
- **deceptive recruiting for labour or services** – where the victim is deceived about whether they will be exploited through a type of modern slavery.<sup>3</sup>

Modern slavery describes the worst types of exploitation. It does not include situations of poor working conditions or underpayment of workers, for example. However, these circumstances are likely to be unfair and unlawful and they may be an indication that modern slavery is also occurring.

<sup>3</sup> Department of Home Affairs, *Commonwealth Modern Slavery Act 2018: Guidance for Reporting Entities*, Appendix 1, Table 5.

## **RISKS IN THE AUSTRALIA COUNCIL'S OPERATIONS**

Having reassessed the Australia Council's risk of modern slavery within our internal operations for the 2022–23 financial year we have again measured this risk as low.<sup>4</sup> In reaching this finding we considered the contractual arrangements and employment conditions of the officials who work at the Council.

Legislative and industrial frameworks govern and regulate the Council's employment conditions and all officials are employed under an enterprise agreement, individual employment agreement or employment contract determined by the Remuneration Tribunal. These instruments contain protective measures to ensure we comply with our industrial relations obligations which include preventing modern slavery practices.

The Council's Workplace Forum is a group of officials committed to contributing to the development of a purposeful and engaging working environment for Council staff. The Workplace Forum comprises up to four employee representatives and up to four management representatives. Membership is open to employees outside of the Executive and Senior Management teams.

The Work, Health and Safety Committee comprises both employee and management representatives with at least 50% of members being employee representatives. Each member is appointed for a two-year term which may be extended.

Both the Workplace Forum and the Work, Health and Safety Committee provide transparent and accessible avenues for Council officials to raise concerns. These further assists to mitigate the risk of modern slavery practices within our operations.

## **RISKS IN THE AUSTRALIA COUNCIL'S SUPPLY CHAINS**

The Australia Council has again assessed the risk of modern slavery in our Tier 1 supply chains as inherently low.<sup>5</sup> This assessment considered the relatively low number of contractual arrangements in place to support our activities and functions, and further noted the nature of our operations and our procurement practices ensure that we do not regularly engage with suppliers considered most at risk.<sup>6</sup>

However, we recognise that we do engage with a small number of suppliers considered 'at risk' due to their supply chains, in particular our contracts for facilities or building services (for example cleaning and maintenance) as well as suppliers of information communications technology ('ICT') equipment. These supply chains are long and complex and very often difficult to discern. We do take active measures to engage with these providers to better understand their business, operations and supply chains. We know the risks of modern slavery can be more prevalent with Tier 2 suppliers and we are looking at ways we can better manage these risks during the next year.

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<sup>4</sup> Having considered the guidance in the Department of Home Affairs, *Commonwealth Modern Slavery Act 2018: Guidance for Reporting Entities*.

<sup>5</sup> Having considered the guidance in the Department of Home Affairs, *Commonwealth Modern Slavery Act 2018: Guidance for Reporting Entities*.

<sup>6</sup> Refer to the list of products, industries and geographic regions which identify the highest risks of modern slavery in Walk Free Foundation 2018, *The Global Slavery Index 2018*.

## 4. Actions we have taken

Section 16(1)(d) of the *Modern Slavery Act 2018* requires reporting entities to describe the actions they have taken to assess and address the risks outlined in the previous section, including due diligence and remediation processes.

In 2022–23, the Council continued to enhance and build on the actions taken during the 2021–22 year to assess and address modern slavery risks. These included:

- continued inclusion of a Supplier Code of Conduct in all our contracts with a focus on the Council's requirements for all contractors to address any risks of modern slavery in their business and supply chains
- attending sector webinars addressing the outcomes of the first two years of modern slavery reporting and the opportunities to improve practices
- ensuring modern slavery is explained and discussed during the induction of new starters
- increasing our understanding of modern slavery risks across our operations
- continuing to embed and increase staff awareness regarding modern slavery risks in our procurement processes
- continuing to review policies and processes to identify further opportunities to include consideration of modern slavery risks where relevant
- continuing to monitor our supply chains and take pre-emptive action when a supplier, or potential supplier, is identified as 'at risk' for modern slavery.
- actively engaging with our contractors and suppliers on modern slavery risks to encourage and inform better practice.

### **DUE DILIGENCE**

Many of the Council's internal controls contribute to identifying, addressing and mitigating modern slavery risks in our operations.

The Council's Executive oversee the procurement and contract management processes. They are required to sign a compliance checklist every six months to confirm their respective divisions have complied with the Procurement Guidelines, among other responsibilities.

The Council's officials responsible for finance, risk management and its legal functions ensure compliance with both relevant laws and internal policies across the organisation and are regularly report on these to the Executive, the Audit and Risk Committee and the Board.

To support the Council's governance frameworks and internal controls, a number of policies relevant to addressing and mitigating modern slavery risks are in place.

In 2022–23 these included:

- Authorisations Framework
- Code of Conduct
- Contract Registers
- Credit Card Use Policy
- Discrimination, Harassment and Bullying Prevention Policy
- Equal Employment Opportunity Policy
- Governance Manual
- Feedback Management Policy
- Fraud Control Policy
- Modern Slavery Policy
- Procurement Guidelines
- Public Interest Disclosure Policy and Procedure
- Risk Management Framework
- Risk Management Policy
- Recruitment and Selection Policy
- Supplier Code of Conduct
- Work, Health & Safety Policy
- Workplace Forum Charter.

## **REMEDIATION PROCESSES**

The Council's Feedback Management Policy provides guidance and assistance to stakeholders who wish to provide feedback to the Council, including complaints and concerns about our operations. The policy is located on our website and includes a dedicated email address.

In line with the *Public Interest Disclosure Act 2013* (or 'whistleblowing' framework) the Council's Public Interest Disclosure Policy facilitates the disclosure and investigation of any wrongdoing or maladministration within the Council, by Council officials.

The Council's Modern Slavery Policy includes specific guidance on identifying and responding to reports of suspected and actual risks of modern slavery practices in the Council's operations or supply chains.

## 5. Effectiveness of our actions

Section 16(1)(e) of the *Modern Slavery Act 2018* requires modern slavery statements to describe how the reporting entity assesses the effectiveness of the actions being taken to assess and address modern slavery risks.

The Australia Council is committed to ensuring that as far as possible we address and mitigate any risks of modern slavery in our supply chains. We expect our suppliers to share and adhere to this position. Our standard terms and conditions of contract include compliance with the *Modern Slavery Act 2018*, *Fair Work Act 2009* (Cth) and the *Criminal Code Act 1995* (Cth).

Whilst we are in the early stages of developing ways to measure the effectiveness of our actions taken, we do assess effectiveness through:

- active engagement with identified 'at risk' suppliers
- the types of information suppliers provide during procurement activities
- contract performance reviews

We will continue to monitor the actions we implemented in 2022–23 onwards and will consider opportunities to review their effectiveness in future statements.

## 6. Consultation

Section 16(1)(f) of the *Modern Slavery Act 2018* requires reporting entities to describe the process of consultation with any entities that the reporting entity owns or controls.

The Australia Council does not own or control any other entities.

# 7. Related activities

Section 16(1)(g) of the Modern Slavery Act 2018 allows for reporting entities to include any other relevant information that the reporting entity thinks is relevant.

To see the latest information on modern slavery, refer to:

- [The Global Slavery Index 2023](#)
- The 2022 report: [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#)

The Australia Council has no further information to report in our 2022–23 Modern Slavery Statement beyond our current actions and commitment to progressing work to address modern slavery risks.