

**ARENA**

# MODERN SLAVERY STATEMENT

FOR FINANCIAL YEAR 2020-21



**Australian Government**  
**Australian Renewable**  
**Energy Agency**

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# CHAIR'S FOREWORD

This Modern Slavery Statement is made on behalf of the Australian Renewable Energy Agency (ARENA).

As a leading government agency providing financial assistance to the renewable energy sector, ARENA is committed to upholding the highest standards in all the agency's functions.

ARENA is proud to play its part in driving accountability by submitting its second Modern Slavery Statement under the *Modern Slavery Act 2018* (Cth).

Modern slavery can occur in every industry and sector. Modern slavery distorts global markets, undercuts responsible business and can pose significant legal and reputational risks to entities. The COVID-19 pandemic has increased the vulnerability of workers in global supply chains.

Modern slavery has no place in the Australian community or in the global supply chains of Australian goods and services. ARENA can play an important role in combatting modern slavery through implementing the principles set out in the *Modern Slavery Act 2018* (Cth).

This Modern Slavery Statement describes our structure, operations and supply chains and the risks of modern slavery practices in our operations and supply chains. It sets out the steps we have taken to assess and address those risks for the financial year ending 30 June 2021, and in so doing builds on our first Modern Slavery Statement issued last year.

We will build on this Statement over coming years and continue to work with our stakeholders, including recipients of funding from ARENA and our suppliers of goods and services.

This Statement has been prepared in accordance with the requirements of the *Modern Slavery Act 2018* (Cth) and approved by the ARENA Board.



Justin Punch  
Chair, ARENA Board  
December 2021

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## 1.0 INTRODUCTION

The *Modern Slavery Act 2018* (Cth) requires that all reporting entities submit to the Australian Government a modern slavery statement for the relevant reporting period.

The Australian Renewable Energy Agency (**ARENA**) is a reporting entity for the purposes of the Act as a corporate Commonwealth entity within the meaning of the *Public Governance, Performance and Accountability Act 2013* (Cth) that has a consolidated revenue of at least \$100 million for the reporting period.

This Modern Slavery Statement (the **Statement**) for financial year 2020-21 outlines ARENA's approach to identifying, assessing and managing risks of modern slavery in our supply chains.

Modern slavery describes situations where offenders use coercion, threats or deception to exploit victims and undermine their freedom.

Practices that constitute modern slavery can include:

- > human trafficking;
- > slavery;
- > servitude;
- > forced labour;
- > debt bondage;
- > forced marriage; and
- > the worst forms of child labour.

Modern slavery is a term used to describe serious exploitation. It does not include practices like substandard working conditions or underpayment of workers (though these practices are also harmful and may be present in some situations of modern slavery).

Modern slavery can occur in every industry and sector and has severe consequences for victims. Modern slavery also distorts global markets, undercuts responsible business and can pose significant legal and reputational risks to entities.

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## 2.0 THE REPORTING ENTITY

**Reporting criterion 1: Identify the reporting entity.**

The reporting entity is the Australian Renewable Energy Agency (ARENA) (ABN 35 931 927 899).

ARENA was established by the *Australian Renewable Energy Agency Act 2011* (Cth) (**ARENA Act**) on 1 July 2012. The objects of the ARENA Act are to improve the competitiveness of renewable energy technologies and to increase the supply of renewable energy through innovation that benefits Australian consumers and businesses. Our purpose is to support the global transition to net zero emissions by accelerating the pace of pre-commercial innovation, to the benefit of Australian consumers, businesses and workers.

Our expertise, deep understanding of the renewable energy sector and willingness to fund innovative and ground-breaking projects enables us to provide a pathway to commercialisation for many new technologies and businesses. ARENA's role is to support Australian renewable energy projects with financial assistance in order to maximise the benefits of the energy transition to the Australian economy. We also share knowledge and data from our funded projects to help the renewable energy industry and other projects learn from experience.

Our values are to be impact driven, stakeholder focused, collaborative, accountable and respectful of people.

Since 2012 to the period ending 30 June 2021, we have supported 602 projects with \$1.77 billion in grant funding, unlocking a total investment of \$7.75 billion in Australia's renewable energy industry.

# 3.0 STRUCTURE, OPERATIONS AND SUPPLY CHAINS

**Reporting criterion 2: Describe the structure, operations and supply chains of the reporting entity.**

## 3.1 STRUCTURE

ARENA is a body corporate established by the ARENA Act and a corporate Commonwealth entity for the purposes of the *Public Governance, Performance and Accountability Act 2013* (Cth).

The members of the ARENA Board and the Chief Executive Officer are appointed by the Minister for Industry, Energy and Emissions Reduction.

ARENA's structure for the reporting period 2020-21 is set out below:

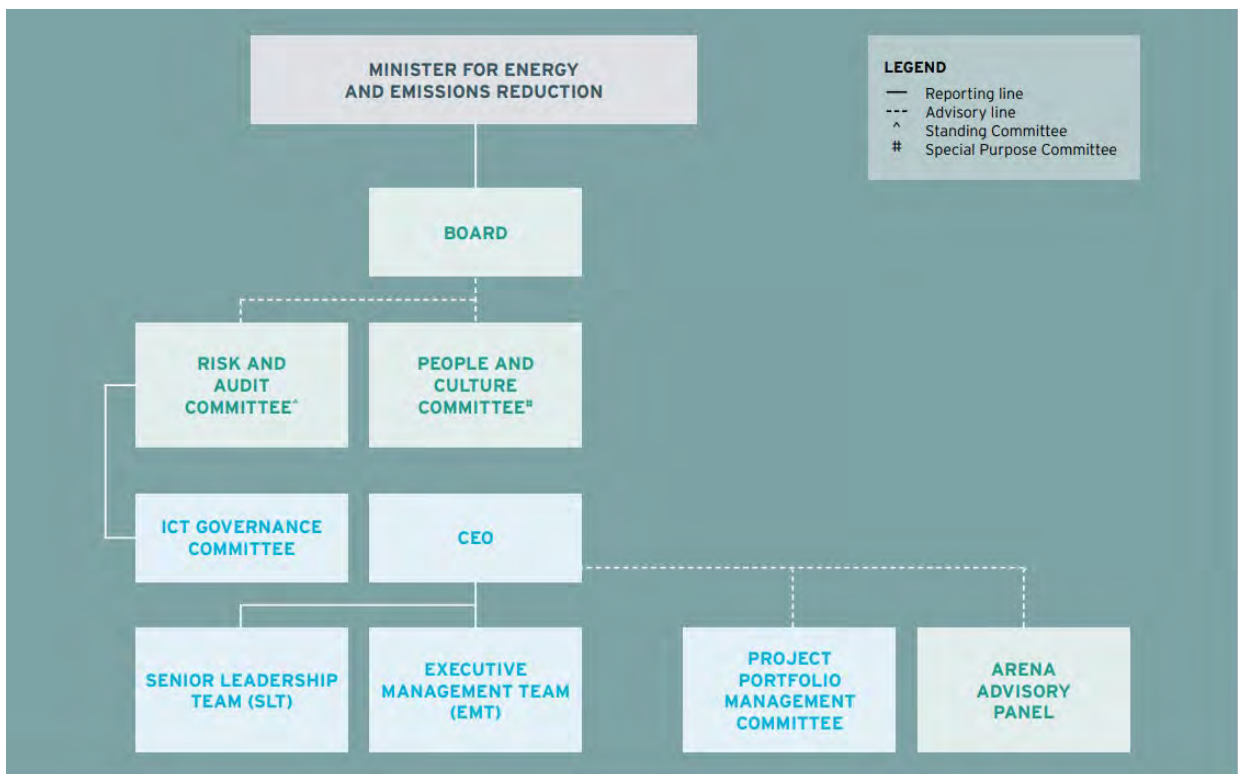


Figure 1 ARENA's structure for the Reporting Period 2020-21.

Branches established under ARENA's management include:

- > Project Delivery (including: Contract Management Services, Project Solutions, Knowledge Sharing, and Data Management and Performance Reporting);
- > Business Development and Transactions;
- > Legal, Governance, Secretariat and Risk;
- > People and Culture;
- > Information Communication Technology (ICT);
- > Program Management Office;
- > Strategy; and
- > Finance and Business Services.

### 3.2 OPERATIONS

ARENA provides financial assistance for projects to accelerate Australia’s shift to affordable and reliable renewable energy.

We do this by funding projects and sharing knowledge that drives innovation and commercialisation of renewable energy technologies.

### 3.3 SUPPLY CHAINS

ARENA’s supply chains can be broken down into two general categories: projects funded by ARENA (our project portfolio) and corporate services necessary for the functioning of the agency (our operations):

- > *Our project portfolio supply chains:* ARENA funded projects range from R&D, desktop studies, demonstration projects, commercial deployment to large-scale construction projects. While these projects are all conducted within Australia, projects may nevertheless rely on global supply chains that have a high risk of modern slavery in relation to capital and plant or labour required for the project.
- > *Our operational supply chains:* ARENA procures goods and services from external suppliers necessary for proper day to day functioning of the agency, such as information technology resources and stationery. The structure of the ARENA Act means that ARENA’s workers consist of two employees, members of the Australian public service seconded to ARENA from the Department of Industry, Science, Energy and Resources (DISER), as well as consultants, contractors and professional service providers.

ARENA works with our project proponents to enter into funding agreements for the delivery of a range of projects in accordance with the investment priorities in our Investment Plan. These include:

- > Optimising the transition to renewable electricity;
- > Commercialising clean hydrogen; and
- > Supporting the transition to low emissions metals.

A breakdown of the funding provided by ARENA to date can be seen below.

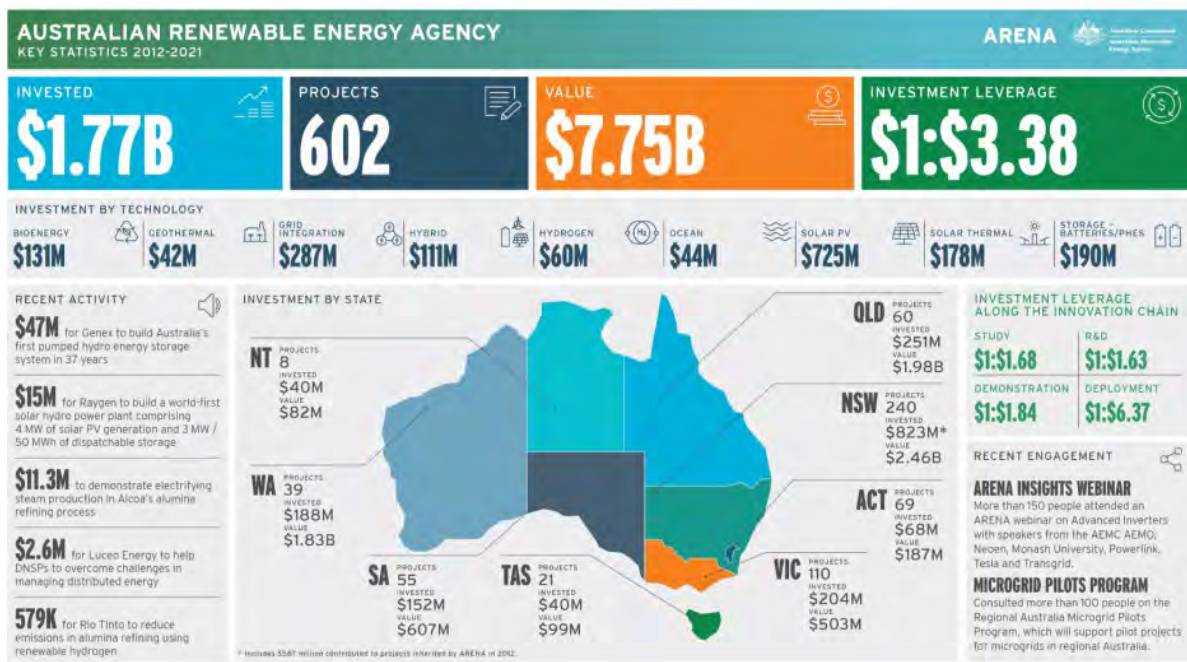


Figure 2 Key statistics for ARENA for the period ending 30 June 2021.

## 4.0 RISKS

**Reporting criterion 3: Risks of modern slavery practices in the entity's operations and supply chains.**

ARENA recognises that risks of modern slavery practices exist within our operations and supply chains, including in our funding of projects through the provision of financial assistance.

### 4.1 APPROACH TO RISK IDENTIFICATION

In order to assess the risk of modern slavery in our operations and supply chains, we have applied the cause, contribute and direct link model described in guidance published by the Australian Border Force (**ABF Guidance**):<sup>1</sup>

- (a) *Risks that ARENA may cause modern slavery practices*: This means the risks that ARENA's operations may directly result in modern slavery practices.
- (b) *Risks that ARENA may contribute to modern slavery practices*: This means the risks that ARENA's operations and/or actions in its supply chains may contribute to modern slavery, including acts or omissions that may facilitate or incentivise modern slavery.
- (c) *Risks that ARENA may be directly linked to modern slavery practices*: This means the risks that ARENA's operations, products or services may be connected to modern slavery through the activities of another entity with whom ARENA has a business relationship, including through ARENA's provision of financial assistance. This risk includes all entities in our supply chain, including entities with whom ARENA does not have a direct contractual relationship.

The concepts of cause, contribution and direct linkage are set out in the United Nations Guiding Principles on Business and Human Rights (**UN Guiding Principles**).<sup>2</sup>

These are then compared and considered against the areas that generally involve high risks of practices of modern slavery, which include:

- (a) *Sector and industry risks*: Certain sectors and industries may have high modern slavery risks due to their inherent characteristics, products and processes. For example, extractive industries, textiles and fashion, fishing, electronics, cleaning, and agriculture are recognised as high-risk industries globally.
- (b) *Product and services risks*: Certain products and services may have high modern slavery risks because of the way they are produced, provided or used. For example, bricks, cobalt, cotton and rubber are recognised as high-risk products globally. Similarly, services such as cleaning that often involve lower wages and manual labour may have high modern slavery risks.
- (c) *Geographic risks*: Some countries may have higher risks of modern slavery, including due to poor governance, weak rule of law, conflict, migration flows and socio-economic factors like poverty.
- (d) *Entity risks*: Some entities may have particular modern slavery risks because they have poor governance structures, a record of treating workers poorly or a track record of human rights violations.

Using the framework described above, ARENA's risks of modern slavery practices can then be applied to the two categories of ARENA's supply chains: project portfolio and operational supply chains.

<sup>1</sup> See Australian Border Force, *Commonwealth Modern Slavery Act 2018: Guidance for Reporting Entities*, [https://modernslaveryregister.gov.au/resources/modern-slavery-reporting-entities\\_guidance.pdf](https://modernslaveryregister.gov.au/resources/modern-slavery-reporting-entities_guidance.pdf).

<sup>2</sup> See United Nations, *Guiding Principles on Business and Human Rights* (2011), [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf).



## 4.2 IDENTIFYING OPERATIONAL RISK

Our purpose is to support the global transition to net zero emissions by accelerating the pace of pre-commercial innovation, to the benefit of Australian consumers, businesses and workers. This is achieved through the provision of financial assistance to companies, organisations and local governments. As a result, ARENA's focus remains on its projects and only procures goods or services in support of this service. We consider that our operational supply chain is not the main source of ARENA's risk and that this rather resides in our project portfolio supply chain.

ARENA nonetheless undertook a process of identification and assessment of inherent risk associated with its operational supply chains. This applied our general approach to risk assessment as set out in its Risk Management Framework, the modern slavery risk framework discussed above and considered a range of factors including industry, location, structure of contractual arrangements and the contracting entities.

Goods or services supplied to ARENA	Description	Inherent risk rating
ARENA Workers (including employees, APS staff, consultants, labour hire and professional service providers)	All ARENA Workers, regardless of engagement type, are subject to appropriate procurement processes and are subject to Australian law, including relevant employment legislation. It is considered rare that ARENA may cause or contribute to modern slavery practices and considered unlikely that ARENA may be directly linked to modern slavery practices.	Low
Other professional advisory and consultancy services	Service providers are typically professional advisory firms predominantly, but not exclusively, based in Australia and are subject to ARENA's procurement processes and Australian law. It is considered rare that ARENA may cause or contribute to modern slavery practices and considered unlikely that ARENA may be directly linked to modern slavery practices.	Low
Acquisition and occupation of commercial office space	ARENA's offices are all leased commercial office space located in Australia and managed by reputable property agents. It is considered rare that ARENA may contribute to modern slavery practices and considered unlikely that ARENA may be directly linked to modern slavery practices. ARENA does not own any commercial office space such that it cannot cause modern slavery practices.	Low
Telecommunications equipment, ICT equipment	Suppliers of telecommunications and ICT equipment to ARENA are all Australian based and subject to Australian law. It is considered unlikely that ARENA may contribute to modern slavery practices. However, it is considered highly likely that ARENA may be directly linked to modern slavery practices through its telecommunications and/or ICT equipment noting the necessary use of raw materials and common use of high-risk geographies in manufacturing. ARENA does not commission production of this equipment such that it cannot cause modern slavery practices.	Medium
Office equipment, stationery and office supplies	All suppliers are Australian based and subject to Australian laws. It is considered rare that ARENA may contribute to modern slavery practices and considered unlikely that ARENA may be directly linked to modern slavery practices.	Low
Cleaning services	The engagement of cleaning services varied across ARENA's three offices. It is possible that a supplier of cleaning services, or a supplier's supply chain, could contain practices of modern slavery.	Medium

*Figure 3 Summary of risk assessment of ARENA's operational supply chains.*

In accordance with our Risk Management Framework, the risk ratings noted above have regard to the consequences to ARENA if modern slavery practices were discovered in the relevant supply chain against the cause, contribute and direct linkage likelihood described in section 4.1.

Only two categories of supply chains were identified as sitting beyond ARENA's risk tolerance of low: telecommunications and ICT equipment; and cleaning services. The inherent risks of modern slavery practices for these supply chains were identified as medium.

Most of our operational supply chains otherwise do not involve high risk sectors, identified product or process risks or geographic risks. None of our suppliers have identified entity risk. The supply chains that did have a higher risk are due to the recognised, established risks of modern slavery practices in the manufacturing of electronics and the supply of cleaning services. The actions we have taken with respect to such risks are set out in section 5.0.

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### 4.3 IDENTIFYING PROJECT PORTFOLIO RISK

ARENA is committed to identifying and assessing at an overarching, thematic level whether ARENA may be exposed to modern slavery risks through our granting arrangements and how ARENA may be able to address any significant areas of risk through our granting arrangements.

As a granting agency providing financial assistance in accordance with the ARENA Act, ARENA funds project proponents to deliver projects and the funded project will be delivered by the project proponent and its subcontractors. In many cases, ARENA is not the only (or major) funder of a project.

As noted in the ABF Guidance, ARENA is not required to monitor or report on the operations and supply chains of our individual grantees. Despite these constraints, ARENA considers that it has an important role to play with respect to such supply chains.

For ARENA's first Modern Slavery Statement 2019-20, ARENA developed a risk identification tool in the form of a questionnaire. The questionnaire was designed to gain an understanding of the risk landscape in ARENA's portfolio and help ARENA further prioritise its efforts. As noted in section 4.1, the criteria for the risk identification tool were established following research of risk factors of modern slavery based on UN Guiding Principles and ABF Guidance.

The risk identification tool assessed each ARENA-funded project as to whether it involved construction elements, whether the project utilised batteries or solar panels of any kind, involved industries structured around high-risk work practices, involved any form of overseas expenditure or whether it used any form of electronics. The tool was applied by ARENA to all projects considered active in our project portfolio. It was not applied to historical projects.

We have applied the same risk identification tool to the project portfolio of projects considered active during the current reporting period. The findings have not changed in any significant way from the first Modern Slavery Statement 2019-20 and have confirmed that the projects that are of highest modern slavery risk are those with a mix of technologies which require the extraction of rare earth minerals as raw materials and which involve construction. We consider that is to be expected noting that the projects funded by ARENA are intended to accelerate the pace of pre-commercial innovation and support burgeoning renewable energy technologies. The projects with the lowest risk were found to be generally desktop studies or research and development projects, which involve none of the identified risk factors.

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## 5.0 ACTIONS

**Reporting criterion 4: Actions taken to assess and address modern slavery risks, including due diligence and remediation processes.**

Building on the risk identification approach described in the preceding section, the actions taken by ARENA in its second reporting year have focussed on maturing ARENA's approach to assessing and addressing risks of modern slavery practices.

We believe that the actions taken in this second reporting year will provide a strong foundation for future development of ARENA's approach to managing risks of modern slavery.

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### 5.1 MODERN SLAVERY WORKING GROUP

ARENA continued the Modern Slavery Working Group established during the previous reporting period. The Working Group consisted of members from across the agency and met to discuss how ARENA can continue to mature its approach towards identifying, assessing and addressing risks of modern slavery practices.

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### 5.2 RISK ASSESSMENT OF OPERATIONS

Following the identification and assessment of inherent risk of operational supply chains (see section 4.2), ARENA sought to implement controls to ensure that the residual risk of modern slavery practices was reduced to low.

As noted above, only two categories of supply chains were identified as sitting beyond our risk tolerance: telecommunications and ICT equipment; and cleaning services. The inherent risks of modern slavery practices for these supply chains were identified as moderate.

We then identified any additional controls that could be implemented to reduce the residual risk of modern slavery practices in these supply chains. This includes use of whole-of-government panels which appropriately consider modern slavery risks, using ARENA's updated template contract for the provision of services which addresses modern slavery risks (see section 5.3), and regularly assessing the risks on an annual basis to determine if there are any changes. As a result of this process, ARENA is satisfied that the additional controls identified for both these sectors appropriately reduces the residual risks of modern slavery to low.

These additional controls have been documented as part of the risk assessment of operations conducted and were endorsed by the Modern Slavery Working Group.

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### 5.3 PROVISIONS IN TEMPLATE SERVICES CONTRACTS

In the previous reporting period, ARENA amended relevant procurement documents to ensure that potential suppliers demonstrate, as a condition of applying for a service contract, how they will comply with, and assist ARENA to comply with, the applicable requirements of the *Modern Slavery Act 2018* (Cth). ARENA committed to including provisions in resulting contracts as a future action.

In this reporting period, we have amended the template contract for services to include the low risk, option 1 modern slavery model clause provided by the Australian Border Force (**ABF Model Clauses**).<sup>3</sup> These provisions require suppliers to identify, assess and address risks of modern slavery practices in their supply chains in connection with the contract. The new provisions in our contract also include

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<sup>3</sup> See Australian Border Force, *Modern Slavery Model Contract Clauses*, [https://modernslaveryregister.gov.au/resources/FINAL\\_Modern\\_Slavery\\_Model\\_Clauses\\_-\\_October\\_2020.pdf](https://modernslaveryregister.gov.au/resources/FINAL_Modern_Slavery_Model_Clauses_-_October_2020.pdf).

requirements additional to the ABF's Model Clauses by requiring the supplier to report on actual instances of modern slavery and permitting ARENA to terminate the contract if reasonable action to address these instances has not been taken.

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#### 5.4 PROVISIONS IN TEMPLATE FUNDING AGREEMENTS

In the previous reporting period, ARENA amended its template funding agreement to require all new funding recipients to provide a representation in relation to risks of modern slavery and to require recipients to provide a copy of their most recent modern slavery statement if bound by the *Modern Slavery Act 2018* (Cth).

Following review of the model clauses published by the Australian Border Force and a more developed understanding of how ARENA can best address risk, ARENA amended its template funding agreement in May 2021 to incorporate the low-risk model clauses from the ABF Model Clauses as an undertaking to be provided by recipients of ARENA funding. For higher value, project financed projects, we have determined to include optional drafting provisions in our template funding agreement to cover circumstances where the risk of modern slavery practices may be higher.

The rationale for requiring an undertaking was to better enable ARENA to address risks of modern slavery practices by requiring funding recipients to take action to identify, assess and address risks of modern slavery, rather than merely seeking an affirmation of compliance with the *Modern Slavery Act 2018* (Cth).

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#### 5.5 REVIEW OF POLICIES AND PROCEDURES

ARENA undertook a review of its policies and procedures to consider whether any amendments were required to appropriately include and incorporate a risk-based approach to modern slavery.

While it was determined that no policies required amendment at this stage, it was decided that a Modern Slavery Policy should be developed that sets out ARENA's overall approach to modern slavery.

Policies will be further reviewed with respect to modern slavery on an ongoing basis.

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## 6.0 EFFECTIVENESS

**Reporting criterion 5: Describe how the reporting entity assesses the effectiveness of such actions.**

ARENA recognises that building systems to evaluate the effectiveness of actions taken to address risks of modern slavery is a crucial step in mitigating any such risk. We are committed to continual improvement and building on our approach year-on-year.

ARENA has assessed the effectiveness of the actions described in this Statement in the following ways:

- (a) *Meeting of the Modern Slavery Working Group:* In addition to working to assess and address our risks of modern slavery, the Modern Slavery Working Group is an important forum used to evaluate the effectiveness of actions by bringing together workers from across the agency to discuss and consider ARENA's approach to modern slavery.
- (b) *Formal review of previous actions undertaken and commitments made:* As a standing item of the Modern Slavery Working Group, we assessed each action taken in last year's statement to determine if it should be repeated or could be improved. Improvements were made to a number of actions taken last year. The Working Group also reviewed the commitments made to determine if they were still useful in light of our matured understanding of risks of modern slavery.
- (c) *Review of existing template contracts:* ARENA conducts a regular review of its template services contracts and funding agreements to determine if improvements can be made. As part of this process, ARENA now specifically reviews the modern slavery provisions to consider their effectiveness. As noted in section 5.3 and 5.4, the process undertaken over this reporting period resulted in amendments being made to both the template contract for services and the template funding agreement.
- (d) *Review of policies and procedures:* As discussed above, we undertook a review of ARENA's policies with particular reference to modern slavery to determine if changes were needed in light of its first statement and the relatively new obligations of the *Modern Slavery Act 2018* (Cth). ARENA will now incorporate modern slavery into its regular review of policies to ensure continual improvement where appropriate.
- (e) *Professional development and networking:* The responsible officers at ARENA for modern slavery attended forums held by the Australian Border Force and other entities to ensure continual improvement in their understanding of risks of modern slavery. Key learnings were taken from these forums which allowed those officers to better understand and evaluate prior steps and future actions. ARENA also discussed its approach with other relevant agencies to understand their approach to modern slavery and ways we can improve.

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## 7.0 CONSULTATION

***Reporting criterion 6: Describe the process of consultation with any entities that the reporting entity owns or controls.***

This section is not applicable to ARENA. ARENA does not own or control any entities as defined by the *Modern Slavery Act 2018* (Cth).

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## 8.0 RELATED AND FUTURE ACTIVITIES

**Reporting criterion 7: Include any other information that the reporting entity, or the entity giving the statement, considers relevant.**

In ARENA's first Modern Slavery Statement 2019-20, ARENA committed to undertake a number of additional actions for future modern slavery statements. The ongoing COVID-19 pandemic made a number of these measures difficult to implement, such as additional (in-person) training for ARENA workers. We also determined that a number of commitments made were no longer appropriate in light of our better understanding of the management of risks of modern slavery, such as requesting all suppliers to provide assurances regarding their compliance with modern slavery requirements.

Our greater understanding of risk management of modern slavery has also led to a better understanding of how ARENA can continue to improve its practices in relation to managing modern slavery risks. The goals and actions identified for future Modern Slavery Statements include:

- (a) development of a standalone Modern Slavery Policy that clearly articulates ARENA's approach to risk management of modern slavery risks as well as actual instances of modern slavery;
- (b) improving ARENA's identification and assessment of modern slavery risks, especially in relation to the overarching, thematic risks in our project portfolio;
- (c) integrating consideration of the risks of modern slavery into decision-making processes where appropriate throughout the lifecycle of a project;
- (d) improving internal training and communication with ARENA workers on risks of modern slavery and how they should integrate this into their work; and
- (e) continuing to refine and develop our approach to the drafting of modern slavery provisions in our template contract and funding agreements.

ARENA will also consider any further publications and guidance published by the Australian Border Force that can be appropriately integrated into ARENA's operations. We will also look to continue working with other Commonwealth corporate entities, such as the Clean Energy Finance Corporation, as to how we can jointly assess risks of modern slavery in jointly funded projects.

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Further information is available at  
arena.gov.au

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