

Bendigo Kangan Institute

# Modern Slavery Act Statement

2023



# Modern Slavery Statement

**Bendigo Kangan Institute (BKI) is pleased to present its third modern slavery statement in accordance with the Modern Slavery Act 2018 (Cth).**

This statement assesses BKI's enterprise modern slavery risk through an examination of the Institute's business operations and supply chain environment. It outlines BKI's approach to combat modern slavery which is driven by the Institute's risk management program, key controls and business practices. It further emphasises the measures in place to respond effectively should instances of modern slavery be identified.

This statement highlights the progress made by BKI since its second modern slavery statement, which was submitted to the Department of Home Affairs in 2022. It also underscores the Institute's commitment to continuous improvement by outlining future steps planned to enhance and expand its modern slavery protections.

This statement has been approved by the Institute's Board on 10 August 2023.

## About Bendigo Kangan Institute

Bendigo Kangan Institute was established under the Education and Training Reform Act 2006 (Vic) to provide vocational education training services to the community. The Institute has distinct functions to:

- provide communities and industries with efficient and effective education programs and services,
- provide education programs and services that are responsive to the community and industry needs,
- conduct research, development, education, training and delivery on a commercial basis for other businesses, and
- prepare, publish, distribute or license the use of literary or artistic work, audit / visual material or computer software.

The Institute's functions are further supported by the Bendigo Kangan Institute Constitution.

The Institute trains and educates students at eight campuses in regional Victoria and metropolitan

Melbourne. Our footprint stretches from Cremorne to Echuca and also includes Docklands, Essendon, Broadmeadows, Castlemaine and Bendigo.

BKI is amongst Victoria's largest and most trusted vocational education and training providers with a proud history dating back to the 1850s. We provide modern specialist training facilities offering courses across more than 40 study areas.

The Institute also operates:

- **VETASSESS** – Australia's leading assessment provider. VETASSESS offers skills assessments for migration purposes delivered across a range of trade and general professional occupations to the Federal Government's Departments of Education and Training and Home Affairs. VETASSESS also provides educational research and consultation on assessment standards and curriculum. VETASSESS is located in Melbourne and maintains offices through contracts with partners in India, China, Iran and the UK.
- **eWorks** – the online arm of VETASSESS and is one of Australia's leading e-learning delivery and consultancy specialists, offering a range of customised products and services to help organisations maximise the benefits of online education.

As a vocational education provider, the Institute places utmost importance on safeguarding the wellbeing and rights of its people and everyone else who engages with our services. We firmly believe that the protection of every person is integral to our Institute's mission. This commitment extends beyond our domestic operations and into our offshore partnerships and relationships, including our migration skills assessment program (VETASSESS). We commit to upholding the same level of integrity, and protection for individuals internationally as we do locally.

## Acknowledgment of Country

**Bendigo TAFE and Kangan Institute acknowledge that their campuses are located on the ancestral lands of the Wurundjeri Peoples of the Kulin Nations, the Djaara people of Dja Dja Wurrung, Yorta Yorta Nations and the Gunaikurnai people.**

**The Institutes respect their Elders past present and emerging and cultural heritage and we recognise their continuing connection to land, waters and culture.**

# Our Role in Fighting Modern Slavery

Every person, regardless of who they are deserve the rights of freedom, justice and equitable labour conditions. BKI's belief is rooted in the principle that no worker should be deprived of dignity and respect.

## Our Governance and Public Sector Obligations

As a public sector entity and vocational education provider established under the Education and Training Reform Act, the Institute abides by public sector obligations that operate alongside the Modern Slavery Act to advance civil rights and protections. Consistent with our statement last year, these include but are not limited to:

- The *Public Administration Act 2004* (Vic), which reflects the key public sector values of integrity, impartiality, responsiveness, respect for human rights, accountability and leadership. The Institute has adopted these values into its own organisational policies, including its Employee Code of Conduct.
- The *Financial Management Act 1994* (Vic), which requires the Institute to adopt governance practices to support compliance with regard to the Victorian Government Risk Management Framework (FGRMF); Gifts, Benefits and Hospitality Accountabilities, Sponsorship, Asset Management, Public Construction and financial practices and controls.
- The *Public Interest Disclosure Act 2012* (Vic), which operates as the framework for encouraging and investigating reports of public sector improper and corrupt conduct.
- *Charter of Human Rights and Responsibilities Act 2006* (Vic) which incorporates international human rights principles into Victorian law. Under the Charter, public authorities are required to act in a way that is compatible with human rights. The Institute has adopted a Human Right's Policy to ensure decision making is consistent with these principles.

The above obligations underpin the Institute's approach to protecting the human rights of all people who interact with us and to ensure that our operations, and the expenditure of public sector funds guard the integrity of the vocational education sector. This extends to integrating important protection mechanisms across all our operations.

Other practices and controls in place which work to promote our public sector obligations and advance protection of people include policies and procedures relating to conflicts of interest, fraud and corruption, public interest disclosures and improper conduct, gifts and benefits, discrimination and workplace behaviour, gender equity, occupational health and safety, and financial practices.

## Our Integrity and Procurement Practices

At BKI, we are committed to upholding responsible operations that are founded upon fairness and the highest ethical standards.

To translate this commitment into action, we have established clear expectations for our contractors and supply partners, emphasising their engagement with people and implementing mechanisms to ensure the absence of modern slavery within our supply chains.

We hold our suppliers to the highest standards, demanding a workplace that is both fair and ethical, where human rights are respected, and the risk of modern slavery is actively addressed. To solidify this expectation, we have incorporated principles dedicated to combatting modern slavery within our *Supplier Code of Conduct*.

In addition to governance and compliance frameworks, the Institute's procurement policies and procedures help address the risk of modern slavery in our supply chain. BKI's procurement policies and procedures align to government strategies designed to protect the welfare of people, including the *Victorian Government's Supplier Code of Conduct*.

The Institute's *Procurement Strategy* serves as a crucial guiding framework. The Strategy is underpinned by the requirements set by the Victorian Government Purchasing Board (GVPB) and the Ministerial Directions and Instructions for Public Construction Procurement. The strategy works hand in hand with our existing contractor prequalification processes, insurance verification protocols, and Supplier Code of Conduct.

In line with our commitment to social and sustainable outcomes, our *Social Procurement Strategy* demonstrates our dedication to driving positive change within our supply chain environment. The strategy covers various segments, such as Building and Construction, Fleet and Transport, Finance Services, Information Technology, and Professional Services. It incorporates weighted criteria to assess social value and ensures that our procurement decisions align with our broader goals.

This year, as part of our ongoing efforts, we have integrated a modern slavery lens in our go-to-market and contract management approach. Appropriate due diligence processes, incorporating multiple checks and balances, have been implemented at key checkpoints to identify and address modern slavery risks.

## Our Risk and Audit Program

Bendigo Kangan Institute places a strong emphasis on managing risks effectively, and the issue of modern slavery is recognised as a material risk within the Institute. Our Risk Framework ensures that the risks to our Institute including modern slavery risk are adequately identified, assessed, and mitigated.

To monitor the risk of modern slavery, we have included a dedicated modern slavery risk in our enterprise risk register in the Governance, Risk, and Compliance integrated cloud solution. The solution enables the Institute to manage risk implementing appropriate controls and treatments. Regular reporting is in place, providing a comprehensive summary of the risk, including the status of controls and treatments in place. Risk reporting generated by Governance, Risk, and Compliance System solution is provided to the Finance Audit Risk Management Committee (FARMC). This ensures that the committee is kept informed of progress in addressing the modern slavery risk and allows for timely decision-making and actions.

At the executive level, responsibility and accountability for managing the modern slavery risks are clearly assigned. The executives oversee the implementation of risk management strategies, monitoring of progress, and provide necessary support to ensure effective risk mitigation.

In addition to our comprehensive risk management efforts, BKI's Audit Program plays a crucial role in addressing modern slavery risks. Our Strategic Internal Audit Plan (SIAP) guides organisation-wide audits, including fraud and integrity audits of overseas offices, which encompass modern slavery within their scope. These audits assess the effectiveness of our modern slavery safeguards and identify any vulnerabilities or non-compliance, leading to improvements such as enhanced due diligence processes, supplier vetting procedures, and contractual obligations.

To ensure the effectiveness and independence of our audit program, the Institute actively involves the Finance, Audit, and Risk Management Committee (FARMC). The committee reviews audit findings, recommendations, and the progress made in implementing actions including those linked to addressing modern slavery.

As a result of our audit and risk program, VETASSESS overseas offices have undertaken several anti-modern slavery activities, including:

- Inclusion of a modern slavery clause in contracts, which require annual reports on modern slavery based on a provided template.
- Meetings held between VETASSESS country heads of overseas offices to promote familiarity with BKI's Modern Slavery Statements.
- Establishment of a recruitment policy for overseas offices to align hiring practices with the requirements of the modern slavery clause.

#### **Modern Slavery Response Mechanism**

BKI recognises the importance of having a robust response mechanism in place to effectively address instances of modern slavery within our supply chain. The Institute is committed to taking immediate and appropriate action upon identification of such cases and a thorough investigation.

Our Speak Up program, grievance channels and risk assessment program play a critical role in helping us identify instances of modern slavery. These mechanisms provide a safe and confidential platform for individuals, both within and outside the Institute to raise concerns and report any suspicions related to modern slavery. We encourage all stakeholders, including staff, students, contractors, and suppliers, to utilise these channels to help us identify fraud and corruption including instances of modern slavery within our supply chain.

While we have not detected active cases of modern slavery via these channels, as part of our response, our investigation response plan would be activated if required. BKI's investigation response includes gathering relevant information, conducting interviews, and collaborating with our legal team or relevant authorities and external organisations where necessary. For all investigations we ensure open lines of communication with all parties involved to ensure transparency and accountability throughout the process.

Our response is guided by the principles of justice, fairness, and respect for human rights, aiming to provide redress for affected individuals and prevent recurrence.

#### **Modern Slavery Response Mechanism in Practice – A Case Study**

To illustrate our response mechanism, the following example highlights the importance of our procurement process in safeguarding against modern slavery within our supply chain. Last year during a procurement evaluation, the incumbent third-party contractor for one of our services expressed reluctance to agree to the inclusion of a modern slavery audit clause in the proposed contract, which indicated to us potential non-compliance with modern slavery safeguards. This raised concerns and prompted BKI to initiate further investigation and discussion with the provider. Ultimately a decision to disqualify the third-party contractor from the tender process was made. This action underscores BKI's dedication to upholding ethical standards and ensuring that all entities operating within our supply chain align with our zero-tolerance stance on modern slavery.

# Our Modern Slavery Risk Environment

**As we move into the 2023-2024 period, we remain steadfast in our determination to address modern slavery risks head-on. Our updated risk environment delves into specific risk areas that warrant our attention, acknowledging that our greatest vulnerabilities lie beyond our immediate control.**

Modern slavery practices include human trafficking, slavery, forced marriage, forced labour, debt bondage, deceptive recruiting, physical abuse, restrictions on the freedom of movement, confiscation of passports and identity records, wage theft and child labour. Any form of these practices are serious breaches of human rights.

The Institute does not tolerate any form of breach of human rights in any part of its operations or supply chain.

In the reporting period of 2022-2023, Bendigo Kangan Institute continued its firm commitment to addressing modern slavery risks throughout its operations and supply chains. We aim to provide a more comprehensive assessment of the risks by offering examples and hypothetical scenarios that shed light on how modern slavery may manifest in a TAFE setting.

While we maintain a zero-tolerance stance towards modern slavery, we recognise the complexities involved in identifying instances of such practices. The Institute have undertaken the below scenario modelling to identify potential vulnerabilities in our risk environment.

#### **Exploitation in the Supply Chain:**

Hypothetical Scenario: A third-party supplier responsible for providing cleaning services to our campuses engages subcontractors without proper oversight. These subcontractors may employ workers under exploitative conditions, such as paying below minimum wage, imposing excessive working hours, or restricting freedom of movement.

Risk Mitigation: To mitigate this risk, we have implemented stringent procurement processes that assess suppliers' compliance with ethical labour practices. We require suppliers to adhere to our Supplier Code of Conduct, which explicitly prohibits any form of modern slavery and enforces fair and ethical treatment of workers.

#### **Vulnerability of Student Workers:**

Hypothetical Scenario: As part of a vocational placement program, students are assigned to work with external organisations. These organisations may exploit student workers by subjecting them to unsafe conditions or coercing them into unpaid overtime.

Risk Mitigation: To ensure the well-being of our students, we have implemented robust due diligence procedures when selecting placement providers. We undertake desktop audits and site visits to assess whether the organisation is providing a suitable environment. Our monitoring mechanisms include regular communication with students during their placements and designated channels for reporting any concerns or grievances.

### VETASSESS Skills Assessments

Hypothetical Scenario: VETASSESS, as a skills assessment authority authorised by the Australian Government, allows applicants to engage overseas agents to represent them during the skills assessment process. However, it is discovered that one of these overseas agents engaged in predatory practices such as charging excessive fees, confiscating identity documents such as passports, and/or exploiting vulnerable applicants.

Risk Mitigation: While VETASSESS cannot maintain direct oversight of agents chosen by applicants, VETASSESS commits to responding promptly to any reports or evidence of modern slavery practices. In scenarios where applicants may contact VETASSESS regarding any concerns about misconduct of the appointed agent, VETASSESS would direct them to the Office of the Migration Agents Registration Authority (OMARA) who has the legislative authority over registered migration agents. In response to the media recently highlighting instances of modern slavery occurring with regard to private RTOs and migration agents and although Bendigo Kangan Institute is a public TAFE, the Institute is currently undertaking a proactive examination of the strength of its controls in this space.

### Business Development:

Hypothetical Scenario: During business development activities, the Institute engages with a potential partner who has been linked to cases of labour exploitation or forced labour in their operations or supply chains.

Risk Mitigation: In our business development process, approval of new partners requires business board sign off which includes thorough due diligence on potential partners to assess their compliance with ethical labour practices. The Institute prioritise partnerships with organisations that share our commitment to eradicating modern slavery and implement robust safeguards within their operations and supply chains.

## Our Anti-Modern Slavery Actions: A Year in Review

**In the past year, our previous modern slavery risk assessments have provided us with valuable insights, enabling us to adopt a more coordinated approach to reducing the likelihood of slavery occurring within our operations. Through this assessment, we were able to identify clear actions and are pleased that we were able to achieve most of our planned commitments in addition to several additional initiatives that were not called out in last year's statement.**

In 2022-2023 we:

- Conducted an internal audit of our VETASSESS International Partner, Global Link China, assessing their compliance with modern slavery obligations.
- Implemented a comprehensive Human Rights Policy that encompasses the relevant obligations outlined in Section 11 of the Human Rights Charter, including the right to freedom from forced work as outlined in the Modern Slavery Act 2018 (Cth).
- Raised awareness of modern slavery institute-wide by providing our staff with information about modern slavery; what it is, its risks and implications through targeted communication initiatives.
- Updated our Service Level Agreements (SLAs) to include a dedicated Modern Slavery Clause, ensuring that our partners align with our commitment to combatting modern slavery.
- Established modern slavery protection practices within our Business Development department, including the implementation of Business Board Due Diligence mechanisms.
- Provided e-learning training modules offered by the modern slavery register to our Business Development and procurement teams, demonstrating our commitment to continuous education and awareness. As part of our 2024 strategy, we aim to extend this training to the entire organisation.
- Enhanced the maturity of our Governance, Risk and Compliance system, establishing an operating rhythm for regularly reviewing and assessing controls and treatments to effectively combat modern slavery.
- VETASSESS' India Office established a recruitment policy to align its hiring practices with the requirements of the modern slavery.

# Our Future Commitments and Actions – Addressing our Modern Slavery Risks

**In the coming year, the Institute commits to advancing its anti-modern slavery initiatives through the following actions:**

- Working closely with suppliers to monitor their progress in implementing anti-modern slavery measures.
- Intelligence exchange to prevent and detect modern slavery with our Community of Practice Partners
- Consulting with potentially affected groups identified as vulnerable in our risk assessment and/or scenario modelling to fine-tune our risk assessment processes and response mechanisms and/or ensure they are aware of how they can use our Speak Up service to raise any related concerns.
- Increase engagement of the BKI Board and senior leadership team on modern slavery issues through tailored messaging and training.
- Roll out e-learning training modules offered by the modern slavery register to all BKI staff.
- Aligning our Modern Slavery Risk Assessment with the UNGP's Continuum of Involvement.

Approved by Bendigo Kangan Institute's Board of Directions on 10 August 2023.



**Sally Curtain**  
**Chief Executive Officer**  
**Bendigo Kangan Institute**

## Kangan Institute campuses

### **Broadmeadows**

Pearcedale Parade  
Broadmeadows VIC 3047

### **Docklands**

1 Batmans Hill Drive  
Docklands VIC 3008

### **Essendon**

38 Buckley Street  
Essendon VIC 3040

### **Cremorne**

85 Cremorne Street  
Cremorne VIC 3121

## Bendigo TAFE campuses

### **Bendigo City**

154 Hargreaves Street  
Bendigo VIC 3550

### **Bendigo Charleston Road**

62-104 Charleston Road  
Bendigo VIC 3550

### **Castlemaine**

65-67 Templeton Street  
Castlemaine VIC 3450

### **Echuca**

Corner Hare and Darling Streets  
Echuca VIC 3564

## VETASSESS and eWorks

5/478 Albert Street  
East Melbourne VIC 3002