



**AusLSA**

**Modern Slavery Co-Lab**

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

Grab a cuppa... the Modern Slavery Co-Lab will begin shortly



**A**  
**ern Slavery Co-Lab**

The AusLSA Modern  
Slavery Co-Lab I about to  
commence

Please make sure that  
your microphone on  
Mute



# Acknowledgement of Country

AUSTRALIAN  
LEGAL SECTOR  
ALLIANCE

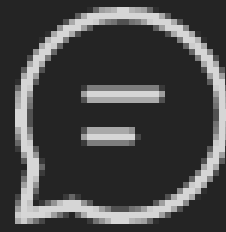
PROMOTING SUSTAINABILITY

In the spirit of reconciliation, we begin today by acknowledging the traditional custodians of all the lands from which we join today's webinar. We and recognise the continuation of the cultural, spiritual and educational connection that Aboriginal and Torres Strait Islander peoples have to their lands.

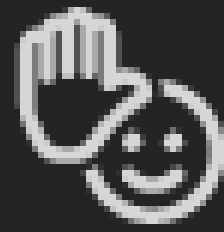
We pay our respects to their elders past and present and extend a special welcome to Aboriginal and Torres Strait Islander peoples joining with us today.

# Co-Lab Objectives

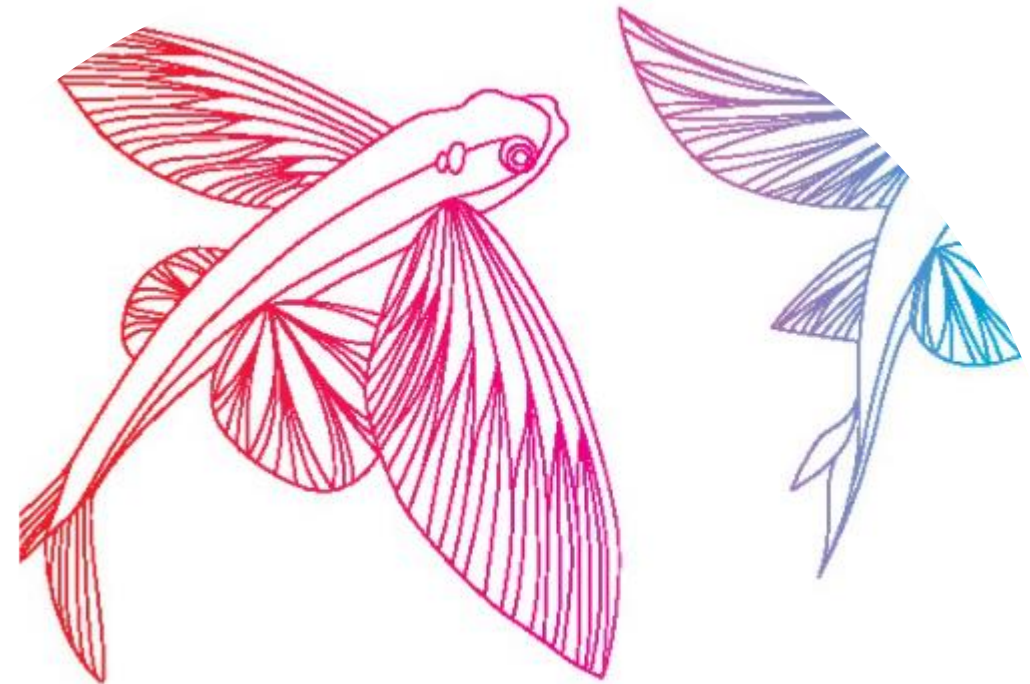
1. build relationships and share experiences with other AusLSA member modern slavery practitioners
2. provide information, advice, case studies and potential solutions to address key issues to improve the impact of modern slavery programs.
3. Consider the ongoing issues and challenges and develop longer-term approaches to work on them together



Chat



Reactive



# Introducing

**Robin Mellon is one of Australia's leading experts on sustainable supply chains and modern slavery.**

**Robin is the**

- former Chief Operating Officer of the Green Building Council of Australia and
- founding CEO of Australia's Supply Chain Sustainability School and
- is now CEO of Better Sydney,

**Robin**

- Project Manages the Property Council of Australia's Modern Slavery Working Group and Supplier Platform,
- Facilitates five other collaborative groups working to reduce Modern Slavery and
- was a member of the Australian Government's first Modern Slavery Advisory Committee,

**Robin is also**

- A Board Member of the UN Global Compact Network Australia NSW Program Adviser for Better Building Finance.
- The Judging Chair for the NSW Sustainability Awards and Banksia Awards
- a member the International WELLS Building Institute's Global Advisory and
- a member of Waverley Council's Environmental Sustainability Advisory Committee.

**Robin Melon**  
**CEO – Better Sydney**

Robin's [LinkedIn profile](#)

# AUSTRALIAN LEGAL SECTOR ALLIANCE

---

## Session outline

- Date:** Thursday 11 May 2023, 12.00-1.00pm AEST
- Topic:** Modern Slavery Collaboration (Co-Lab)
- Timing:** 60 minutes including time for questions
- Confidentiality:** Session is a 'safe space' – please ask questions
- Interactive:** No passengers, only participants
- Recording:** Session will not be recorded

### Disclaimer

The contents of this presentation do not constitute legal advice, are not intended to be a substitute for legal advice and should not be relied upon as such. You should seek legal advice or other professional advice in relation to any particular matters you or your organisation may have.

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY

# THE CHATHAM HOUSE RULE – ROBIN

---

A reminder that, under the ‘Chatham House Rule’, participants are free to use the information received, but neither the identity nor the affiliation of the speaker(s), nor that of any other participant, may be revealed.

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY

# WHAT WE'RE GOING TO COVER - ROBIN

---

1. Context, introduction, scene-setting and objectives (Richard)
2. Examples of sector collaborations around Australia (Robin)
3. Introductions and sharing on progress and challenges (All)
4. Guiding Principles for this collaboration (Robin and All)
5. Priority workshop themes and guest speakers (Robin and All)
6. Knowledge and skills gaps identified (Robin and All)
7. Question and Answer time



# CONTEXT, SCENE-SETTING & OBJECTIVES - RICHARD

---

1. Provide a confidential and collaborative environment for law firms to build relationships and share experiences with other modern slavery practitioners.
2. Offer information, advice, case studies and potential solutions to address a series of key issues that law firms need to understand and address to improve the impact of their modern slavery programs.
3. Articulate a set of shared issues and actions that law firms could continue to collaborate around with options about how this could be sustainably delivered.

# EXAMPLES OF SECTOR COLLABORATIONS – ROBIN

---

1. Property Council of Australia Modern Slavery Working Group
2. Complementary Medicines Australia collaborations and workshops
3. PURPOSE collaboration (charities and not-for-profits)
4. Automotive Afterparts collaboration
5. Travel and Tourism sector consortium
6. Healthcare / Health Insurance sector consortium
7. Mining and Resources collaboration

# INTRODUCTIONS, PROGRESS & CHALLENGES – ALL

---

Each organisation has **30 seconds** to introduce themselves with:

1. Names and roles of representatives attending
2. Where you've got to with your modern slavery initiatives
3. Your most significant modern slavery challenge in the next 12 months.

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY

# GUIDING PRINCIPLES – ROBIN

---

Each collaboration on which I've been working has developed their own set of 'Guiding Principles' – some connected to a particular platform (i.e. the Informed 365 supplier platform), some around how they intend to work together.

These help guide our interactions, meetings and projects.

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY

# GUIDING PRINCIPLES – PROPERTY (2018)

---

1. **Reduce administration** - decrease the admin burden on supply chain partners
2. **Limit costs for suppliers** – the assessment is free for suppliers to complete
3. **Encourage supplier education** – link to existing resources and case studies
4. **Enable transparency** – important to the industry and our suppliers
5. **Improve data access** – suppliers can see their own data and can elect to share it
6. **Make the platform more available** – for a broader group of property companies
7. **Keep the platform impartial** – information provided by suppliers is presented impartially for Property Council members to carry out their own analysis

# GUIDING PRINCIPLES – PURPOSE (2022)

---

1. **Enable communication and transparency** – important to both partners and suppliers
2. **Encourage supplier education** – link to existing resources, case studies and toolkits
3. **Improve data access** – suppliers see their own data and choose with whom to share it
4. **Increase platform availability** – increase access and collaboration for not-for-profits
5. **Influence positive change** – apply leverage towards greater collaboration and awareness
6. **Limit costs for suppliers** – the assessment is free for suppliers to complete and improve
7. **Promote social procurement** – empower the broader social procurement movement
8. **Reduce administration** – decrease administration burdens on partners and suppliers alike
9. **Stay impartial** – information provided by suppliers is presented impartially for collaboration partners to carry out their own analysis

# GUIDING PRINCIPLES – TRAVEL AND TOURISM (2023)

---

1. **Encourage supplier education** – link to existing resources, case studies and toolkits from Australia and around the world, with materials available in multiple languages.
2. **Improve data access** – suppliers can see their own data and choose with which travel and tourism partners they share information.
3. **Increase platform availability** – increase access and collaboration across Australia’s travel and tourism industry partners and suppliers to influence positive change.
4. **Limit costs for suppliers** – the assessment and learning resources are free for suppliers to access and track their improvement over time.
5. **Promote more sustainable procurement practices** – empower international suppliers to include economic, social and environmental criteria in their procurement decisions including factors around Diversity and Inclusion, Local and Indigenous procurement.
6. **Reduce administration** – decrease administration burdens on partners and suppliers within Australia and overseas.
7. **Stay impartial** – present information provided by suppliers impartially so that collaboration partners can carry out their own analysis and respond to risk individually according to their organisational risk profiles, as well as collaboratively across the sector.
8. **Support cross-culture communication and transparency** – important to both partners and suppliers in every country, with acknowledgement of culturally and linguistically diverse suppliers and supply chains, with assessment information and learning resources available in multiple languages.

# POTENTIAL GUIDING PRINCIPLES – AusLSA COLAB

---

1. **Provide a confidential and collaborative environment** – for law firms to build relationships and share experiences with other modern slavery practitioners.
2. **Offer information, advice, case studies and potential solutions** – to address a series of key issues that law firms need to understand and address to improve the impact of their modern slavery programs.
3. **Articulate a set of shared issues and actions** – that law firms can collaborate around options to deliver these sustainably.
4. **Encourage supplier education** – link to existing resources, case studies and toolkits from Australia and around the world, with materials available in multiple languages.
5. **Promote more sustainable procurement practices** – empower international suppliers to include economic, social and environmental criteria in their procurement decisions including factors around Diversity and Inclusion, Local and Indigenous procurement.
6. **Reduce administration** – decrease administration burdens on partners and suppliers within Australia and overseas.
7. **Stay impartial** – present information provided by suppliers impartially so that collaboration partners can carry out their own analysis and respond to risk individually according to their organisational risk profiles, as well as collaboratively across the sector.
8. **Support cross-culture communication and transparency** – important to both partners and suppliers in every country, with acknowledgement of culturally and linguistically diverse suppliers and supply chains, with assessment information and learning resources available in multiple languages.

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY



## Travel Consortium / Informed 365 Supplier Platform

### Guidelines around anti-competitive or collusive behaviour, or cartel conduct

27 March 2023

When competitors interact with one another, including through industry associations such as the Travel Consortium or Supplier Platform provider Informed 365, it is important that they carefully manage any flow of information or arrangements between them in order to comply with Australian competition laws.

These laws relate in particular to the cartel and concerted practice prohibitions within the Competition and Consumer Act 2010, which prohibits anti-competitive conduct, including:

- a) Cartel conduct: arrangements between competitors to fix prices, restrict the supply or acquisition of goods or services by parties to the arrangement, allocate customers or territories, or rig bids.
- b) Concerted practices: other cooperation between competitors which has the Travel, effect or likely effect of substantially lessening competition, in particular, sharing Competitively Sensitive Information with competitors such as future pricing intentions
- c) Any contract, arrangement or understanding which has the Travel, effect or likely effect of substantially lessening competition
- d) Any conduct by a company with market power which has the Travel, effect or likely effect of substantially lessening competition
- e) Collective boycotts: where a group of competitors agree not to acquire goods or services from, or not to supply goods or services to, a business with whom the group is negotiating, unless the business accepts the terms and conditions offered by the group.

Any contravention of the Act could result in significant penalties for participants and their respective employees. Cartel conduct may also result in criminal sanctions, including jail terms for individuals.

From the commencement of the Modern Slavery collaboration, the key principles for the Travel Consortium / Working Group and Supplier Platform initiatives have been to:

1. Broaden platform availability – increase access and collaboration for not-for-profits
2. Enable communication and transparency – important to both partners and suppliers
3. Encourage supplier education – link to existing resources, case studies and toolkits
4. Improve data access – suppliers see their own data and choose with whom to share it
5. Influence positive change – apply leverage towards greater collaboration and awareness
6. Limit costs for suppliers – the assessment is free for suppliers to complete and improve
7. Promote social procurement – empower the broader social procurement movement
8. Reduce administration – decrease administration burdens on partners and suppliers alike
9. Stay impartial – information provided by suppliers is presented impartially for collaboration partners to carry out their own analysis.

Bearing these principles in mind, and in order to comply with Australian competition laws:

- The Travel consortium and its members are committed to ensuring that its operations, initiatives, working groups and meetings are conducted in compliance with Australian competition laws.
- Travel consortium members, Working Group and Supplier Platform representatives must not disclose or elicit disclosure of any competitively sensitive information relating to their organisations; 'competitively sensitive information' includes information about an organisation's current or proposed prices or pricing methods, terms or product offerings, business plans or any aspect of commercial strategy; information that has been disclosed publicly is not competitively sensitive information.
- Working Group or Supplier Platform partners should also not discuss actions that their organisation may take independently to address issues considered, or to address issues identified with specific suppliers.
- Nothing discussed or disclosed, and no recommendation or decision, is intended to affect competition between Working Group or Supplier Platform members in any way.
- No decision, arrangement or commitment will be reached as to the adoption or non-adoption of any recommendations, or any other co-ordination or common approach without legal advice, and any regulatory approvals that may be required, being obtained.
- Travel consortium members, Working Group and Supplier Platform representatives should review the table of 'Dos and Don'ts for dealing with competitors' regularly (p2).

CONTEXT	DOs	DON'Ts
Discussions with competitors	<p>DO make sales, marketing and procurement decisions independently of your competitors</p> <p>DO seek independent legal advice before engaging in communications with competitors</p> <p>DO prepare agendas and minutes for all meetings with competitors</p> <p>DO remove yourself from any discussions with competitors that you consider may involve breaches of competition law and alert your legal team</p> <p>DO ensure that the language you use in communications reflects your legitimate independent commercial strategies and does not inadvertently suggest and intention to engage in anti-competitive conduct</p> <p>DO consider preparing a competition protocol if you and your competitors are considering sharing information, or collaborating in relation to potential procurement or supply decisions including based on modern slavery risks. Subject to independent legal advice, the protocol should recommend first seeking independent legal advice and at least require that the parties:</p> <ul style="list-style-type: none"> <li>- not make any form of arrangement to not acquire or supply goods or services to or from particular persons;</li> <li>- make supply and/or procurement decisions independently of, and without discussion with competitors</li> <li>- not discuss or agree with a competitor the terms of a party's supply or procurement arrangements; and</li> <li>- not discuss customers or suppliers with a competitor.</li> </ul>	<p>DONT discuss Competitively Sensitive Information<sup>1</sup> with competitors</p> <p>DONT reach an understanding or enter into a contract or arrangement with a competitor to not acquire goods or services from suppliers who do not meet criteria</p> <p>DONT reach an understanding or enter into a contract or arrangement with a competitor to not supply goods or services to customers who do not meet criteria</p> <p>DONT discuss with your competitors the reasons for your use of a certain supplier or supply of services to a certain customer (e.g. that they comply with modern slavery requirements)</p> <p>DONT make contracts (or enter into an understanding or arrangement) with a competitor to:</p> <ul style="list-style-type: none"> <li>- fix the prices at which goods or services are acquired or supplied by one or more of the parties;</li> <li>- limit, restrict or prevent the capacity, production, supply or acquisition of goods or services by one or more parties;</li> <li>- allocate between the parties any customers, suppliers or territories; or</li> <li>- influence the bids of the parties in a tender or bid process.</li> </ul> <p>DONT agree with another party to hinder or prevent third parties from dealing with certain people</p> <p>DONT assume that your collaborations or discussions with competitors are automatically protected because they relate to sustainability, modern slavery or another Travel which gives rise to public benefits.</p>

It is proposed that these Guidelines are noted as an Agenda item at the start of every Working Group and/or Supplier Platform meeting and attached as an Appendix to the Agenda, and the following six-point reminder read out by the Meeting Chair or Facilitator:

<sup>1</sup> Competitively Sensitive Information includes information about a party that is not public and could influence or affect a competitor's decision making in respect of its production, supply or acquisition of goods or services in relation to which it competes with the party. It includes: current and future pricing, cost and profit information; current or forecast production or supply volumes; detailed customer or supplier information; intentions in relation to competitive tender processes; and current or future procurement, sales and marketing strategies.

# PRIORITY THEMES AND GUEST SPEAKERS – ALL

---

Discussion and agreement of the priority themes and potential guest speakers across the five workshops:

1. Modern slavery legislation and stakeholder expectations; current, international and emerging
2. Current and emerging risks; risk data, audits and assessment
3. Modern slavery statements; transparency, improvement, comparison
4. Knowledge and capabilities; skills gaps, education & supply chains
5. What next? - How can we collaborate to achieve sector-wide change, continuous improvement and supplier engagement in line with legislation, with 'next steps', directions and targets?

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY

# KNOWLEDGE AND SKILLS GAPS IDENTIFIED – ALL

---

Challenges were noted earlier in this meeting.

Knowledge gaps through our operations and supply chains may include:

1. Understanding and identifying modern slavery risks
2. Supplier / supply chain due diligence
3. Grievance mechanisms and ‘the worker voice’
4. What to do if modern slavery or exploitation is suspected
5. The elements of effective remediation
6. Links between modern slavery and other key issues

AUSTRALIAN  
LEGAL SECTOR

ALLIANCE

PROMOTING SUSTAINABILITY

# FUTURE MEETINGS

---

1. Richard and AusLSA will send out invitations for future workshops over the next few months.
2. Since workshops will not be recorded, please nominate someone to represent your organisation if you are unable to attend.
3. Please be prepared to share your progress, questions, concerns and ideas.

# QUESTION AND ANSWER TIME

---