



LACHLAN SHIRE COUNCIL

DRAFT

MODERN SLAVERY POLICY

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1. BACKGROUND

The *Modern Slavery Act 2018 (NSW)* (the MSA) created obligations for councils under the Local Government Act 1993 (the LGA) relating to modern slavery. Local councils are required to take reasonable steps to ensure that the goods and services they procure are not the product of modern slavery, and to report on those steps.

The NSW Anti-Slavery Commissioner has issued *Guidance on Reasonable Steps* to manage modern slavery risks in operations and supply chains, operative from 1 January 2024.

This policy is prepared in accordance with the requirements of the *Modern Slavery Act 2018 (NSW)* and *Guidance on Reasonable Steps*.

2. SCOPE

This Policy applies to all persons and entities working for and with Lachlan Shire Council or on its behalf in any capacity.

3. OBJECTIVE

The purpose of this policy is to:

- outline Lachlan Shire Council’s commitment to:
- identifying, managing and minimising the risk of modern slavery in its operations and supply chains; and
- taking steps to ensure that Council suppliers and others it does business with are adequately managing modern slavery risks;
- ensure Council is compliant with its obligations under the Modern Slavery Act; and
- ensure that Council employees are aware of the requirements in relation to Modern Slavery.

4. DEFINITIONS

Employees: All Lachlan Shire Council employees including permanent (whether full-time or part-time), temporary, agency contractors (labour hire), casual employees and apprentices.

Modern Slavery: As defined by the Modern Slavery Act, including the following types of exploitation:

- Trafficking in people – the recruitment, harbouring and movement of persons for the purposes of exploitation through modern slavery. This includes sexual exploitation, forced labour or services and slavery and practices similar to slavery.
- Slavery – when a person exercises power of ownership over another.
- Servitude – a situation where an individual’s freedom is significantly restricted, for example they are not free to stop working or to leave their place of work.
- Forced labour –where violence or other methods (for example accumulation or debt, retention of identity papers) are used to coerce victims to work.

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- Forced marriage – where an individual is forced or deceived into marrying.
- Debt bondage – where a victim’s services are pledged as security for a debt and the debt is excessive, the length and nature of services are not defined or the value of the services is not applied against the debt.
- The worst forms of child labour - situations where children are subjected to slavery or similar practices, or engaged in hazardous work which could harm their health and safety.

Modern Slavery Act: The Modern Slavery Act 2018 (NSW).

Modern Slavery Laws: All applicable modern slavery laws, statutes, regulations and codes from time to time in force which prohibit exploitation of workers, human trafficking, slavery, servitude, forced labour, debt bondage or deceptive recruiting for labour or services, or similar (Modern Slavery Laws), including but not limited to the Modern Slavery Act 2018 (Cth) and the Modern Slavery Act 2018 (NSW), which came into effect in 2022.

Suppliers: Any entity supplying goods and/or services to Lachlan Shire Council.

5. POLICY STATEMENT

Modern Slavery is a human rights violation and a serious crime. Lachlan Shire Council is committed to respecting and protecting human rights and identifying, managing and minimising Modern Slavery risks within its supply chains.

Lachlan Shire Council will strive for collaborative action and continuous improvement in its approach to Modern Slavery and will continue to work with key stakeholders and Suppliers to review and improve its practices and procedures in this area on a regular basis.

6. POLICY IN DETAIL

a) Supply Chain

Lachlan Shire Council will engage with its Suppliers to identify, manage and minimise risks and instances of modern slavery in their supply chains and business operations. Specifically, Council will:

- identify modern slavery risks in its supply chain, including the extent of those risks and take action to manage or minimise them;
- engage with Suppliers to understand their commitment to minimising the risk of modern slavery in their own supply chains and operations;
- include modern slavery considerations in its procurement processes as guided by legislation, best practice, NSW Anti-Slavery Commissioner *Guidance on Reasonable Steps* (GRS), and incorporate the GRS Model Tender clauses as applicable;
- ensure Council’s standard contracts contain clauses requiring Suppliers to take reasonable steps to identify, assess and address Modern Slavery risks within their operations and supply chains and comply with Modern Slavery Laws, and incorporate GRS Model Contract Clauses as applicable;

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- where Modern Slavery risks are identified that are outside of Council’s direct control, engage with key stakeholders to leverage its influence and encourage positive and permanent change; and
- implement an internal reporting process to enable Council Employees to raise concerns about any potential or suspected instances of Modern Slavery in Lachlan Shire Council’s supply chain.
- ensure Modern Slavery reporting obligations are met, including consideration of the NSW Anti-Slavery Commissioner *Guidance on Reasonable Steps* Reporting Template.

b) Training and Capacity Building

Council will ensure that relevant Employees have the knowledge, tools and capacity to comply with Council’s obligations to reduce the risks of Modern Slavery.

c) Reporting

Council will comply with its reporting obligations under the Local Government Act 1993 (NSW) as updated from time to time.

Annual reporting and transactional reporting on certain procurements is required in accordance with the *Guidance on Reasonable Steps*. From 1 July 2024, councils must file an online report with the Office of the Anti-slavery Commissioner within 45 days of the entry into force of any contract:

- arising from a ‘heightened’ modern slavery due diligence procurement process; and
- with a value of AUD \$150,000 (including GST) or more.
- Reporting will be in accordance with the *Guidance on Reasonable Steps* (noting Annual Reporting Template in Appendix K) as issued by the NSW Anti-Slavery Commissioner.

7. FURTHER INFORMATION

Further information about this policy can be obtained by:

- contacting the Governance and Risk Officer
- contacting the Director Corporate and Community Services
- contacting the Office of the NSW Anti-Slavery Commissioner GRS@dcj.nsw.gov.au for information updates, newsletters and GRS documentation
- contacting NSW Communities and Justice / anti-slavery commissioner website: <https://dcj.nsw.gov.au/legal-and-justice/our-commissioners/anti-slavery-commissioner/due-diligence-and-reporting.html>: for information & documents:
- Guidance on Reasonable Steps (GRS)
- GRS annual reporting – form and reporting templates
- model tender clauses
- model contract clauses

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8. RELATED DOCUMENTS

Related Council policies include:

- Procurement Policy
- Disposal of Assets Policy
- Local Preference Policy
- Code of Conduct Policies for Councillors and Staff
- Terms and Conditions of Business
- Statement of Business Ethics

Related Legislation includes:

- The Modern Slavery Act 2018 (NSW)
- Local Government Act 1993 (NSW)
- Local Government Regulations 2021
- The *Guidance on Reasonable Steps (GRS)* issued by the NSW Anti-Slavery Commissioner, operative from 1 January 2024 including:
 - Model Tender Clauses (GRS Appendix I)
 - Model contract Clauses (GRS Appendix J)
 - Modern Slavery Reporting Template (GRS Appendix K)
- The *Guidance on Reasonable Steps* issued by the NSW Anti-Slavery Commissioner has been drafted to align with various international standards, notably:
 - ISO 20400:2017 Sustainable Procurement – Guidance.
 - ISO 31000:2018 Risk management – Guidelines.
 - BS 25700:2022 Organisational responses to modern slavery – Guidance.

Nothing in this policy limits any applicable legislation.

9. RIGHT TO VARY/TERMINATE

Lachlan Shire Council reserves the right to vary or terminate this policy at any time.

Greg Tory

GENERAL MANAGER

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