



Appendix A – Submissions and other publications issued in reporting period

Submission	Description/Outcomes	Global Compact Principle
<b><i>Submission to the Parliamentary Joint Standing Committee on Migration, in relation to the Inquiry into Australia's skilled migration program (31 March 2021)</i></b>	Submissions sent to the Parliamentary Joint Standing Committee on Migration, in relation to the <a href="#">Inquiry into Australia's skilled migration program</a> which addressed <i>inter alia</i> protections for undocumented migrant workers and temporary visa holders who experience workplace abuse.	Principle 6
<b><i>Submission to OECD Centre for Responsible Business Conduct, Australian National Contact Point Peer Review 2021 (5 July 2021)</i></b>	The Australian National Contact Point ( <b>AusNCP</b> ) conducted a Peer Review Stakeholder Survey in 2021. In cooperation with its Business & Human Rights Committee and the Law Society of NSW, the Law Council made a submission outlining suggestions for enhancing the effectiveness of the AusNCP.	All Principles
<b><i>Submission to Department of Home Affairs in relation to the Exposure Draft Migration Amendment (Protecting Migrant Workers) Bill 2021 (24 August 2021)</i></b>	Submission to the Department of Home Affairs addressing an exposure draft bill to strengthen existing protocols to address worker exploitation involving migrant workers in Australia. The submission welcomed the bill, but recommended a number of amendments and practical changes to encourage migrant workers to make complaints and support them in that process,	Principle 6
<b><i>Submission to the OECD Centre for Responsible Business Conduct, in relation to the OECD Guidelines for Multinational Enterprises (10 September 2021)</i></b>	Submission regarding proposed updates to OECD Guidelines for Multinational Enterprises.	All Principles
<b><i>Submission to the Assistant Minister for Customs, Community Safety and Multicultural Affairs in relation to the Review of the National Roundtable on Human Trafficking and Slavery (21 September 2021)</i></b>	Submission on Australian Government's annual discussions regarding human trafficking and modern slavery.	Principles 4 and 5

<p><b>Submission on the Religious Discrimination Bill 2021 and related bills (17 December 2021)</b></p> <p>Follow-up: Practitioner Roundtable with the Australian Law Reform Commission regarding its Religious Educational Institutions and Anti-Discrimination Law inquiry, 15 December 2022</p>	<p>In December 2021, the Law Council provided identical submissions to the Parliamentary Joint Committee on Human Rights and Senate Legal and Constitutional Affairs Committee (Senate Committee) regarding their separate inquiries into the Religious Discrimination Bill 2021 and related bills.</p> <p>The Law Council expressed significant concerns about aspects of this Bill, including clause 12, providing a defence for potentially harmful and humiliating statements made in public arenas, such as in education and employment, which may otherwise amount to unlawful discrimination. The Law Council was concerned that this clause watered down longstanding domestic protections and introduced procedural complexities. A key concern was that the clause privileged manifestation of religious belief over other human rights, contrary to international human rights law. It was also concerned about new clause 11, permitting certain state or territory laws to be overridden so that a religious educational body may give preference on the grounds of religion in employment.</p> <p>The Law Council's submission was extensively cited in parliament and the media. It appeared at parliamentary hearings into the Bill, and engaged with a wide variety of parliamentarians regarding its provisions. The Bill did not pass in its current form. The Law Council anticipates responding to a revised version in due course.</p>	<p>Principles 1 and 6</p>
<p><b>Submission to the Senate Legal and Constitutional Affairs Legislation Committee on the Migration Amendment (Protecting Migrant Workers) Bill 2021 (28 January 2022)</b></p> <p>Follow-up: Roundtable discussion hosted by the Department of Home Affairs, regarding proposed Migration Worker Exploitation reforms, held on 27 October 2022.</p>	<p>The two key changes made by the bill are that it would have:</p> <ul style="list-style-type: none"> <li>▪ created offences and civil penalties for prohibited conduct in which a person coerces, or exerts undue influence or undue pressure on a non-citizen to accept or agree to a work arrangement, either which will breach visa conditions or in order to avoid an adverse immigration outcome; and</li> <li>▪ created a new power for the Minister to declare a person who has contravened a work-related requirement involving migrants to be a 'prohibited employer' and provide for civil penalties if a 'prohibited employer'</li> </ul>	<p>Principle 6</p>

	<p>employs additional non-citizens during the period of a declaration (prohibition declaration scheme).</p> <p>While generally welcoming and supporting legislative reform to strengthen existing protocols to address the exploitation of migrant workers in Australia, the Law Council made a number of suggestions about the bill, in particular to strengthen the administrative law protections in the prohibition declaration scheme. The Law Council also emphasised the need to increase enforcement efforts and consider measures to encourage migrant workers to make complaints and support them in that process.</p> <p>The Law Council's submission was extensively quoted throughout the <a href="#">Senate Committee's report</a>.</p> <p>The bill did not pass and lapsed at the end of the last Parliament.</p> <p>In October 2022, representatives of the Law Council attended a roundtable discussion hosted by the Department of Home Affairs regarding its proposed Migration Worker Exploitation reforms. The discussion canvassed several potential areas of reform, assisting to inform draft legislation which will be subject to consultation in the first half of 2023.</p>	
<p><b><i>Submission to the Joint Standing Committee on Northern Australia in relation to its inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia (21 August 2020)</i></b></p> <p>Follow-up: meeting with Department of Climate Change, Energy, the Environment and Water, to discuss options for legislative reform with respect to First Nations Cultural Heritage Legislation (January 2023)</p>	<p>Although this submission was before the reporting period, the Law Council was pleased to note on <b>25 October 2022</b> specific Budget funding (\$14.7 million over four years) to empower First Nations people to assess and identify cultural heritage sites.</p> <p>In 2022, representatives of the Law Council Stage 1 of a National Consultation on the Modernisation of First Nations Cultural Heritage Protections being jointly undertaken by the Department of Agriculture, Water and the Environment and the First Nations Heritage Protection Alliance.</p> <p>The Law Council met with the Department of Climate Change, Energy, the Environment and Water, to discuss options for legislative reform with respect to First Nations Cultural Heritage Legislation. This follows substantial submissions and</p>	<p>Principles 1 and 2</p>

	<p>appearances undertaken by the Law Council in 2020 to the Joint Standing Committee on Northern Australia regarding the inquiry into the destruction of 46,000-year-old caves at the Juukan Gorge in the Pilbara region of Western Australia. The bipartisan committee subsequently recommended comprehensive national law reform in this area. The Law Council was pleased that the Australian Government committed to seven of the Joint Standing Committee's recommendations in late 2022, and accepted in-principle its eighth recommendation.</p> <p>The Law Council is now consulting on the Department's discussion paper containing options for reform with submissions due in late March 2023. It has called for a new legislative framework for cultural heritage protection within the framework of the UN Declaration on the Rights of Indigenous Peoples, to which the Government has agreed in principle.</p>	
<p><b><i>Submission to IP Australia in relation to Stand-alone Legislation for Indigenous Knowledge: Interim Scoping Study Consultations (10 November 2022)</i></b></p>	<p>Submission in support of IP Australia's intention to contribute to the development of an intellectual property system that aims to help manage, support and protect Indigenous Knowledge.</p>	<p>Principles 1 and 2</p>
<p><b><i>Submission to the 'Migration Review – A Migration System for Australia's Future' (21 December 2022)</i></b></p>	<p>A submission which set out a number of principles which should underpin reforms to Australia's Skilled Migration Program, including that mitigating migrant worker exploitation requires a holistic approach to addressing employer nomination settings, migrant complaint options, and enforcement.</p>	<p>Principle 6</p>
<p><b>Submissions relating to discrimination and harassment in the workplace, including:</b></p> <ul style="list-style-type: none"> <li>• <b><i>National Model Framework to reduce sexual harassment in the legal profession (23 December 2021)</i></b></li> <li>• <b><i>Submission to Attorney-General's Department in relation to Public consultation to progress further Respect@Work recommendations (FED) (23 March 2022);</i></b></li> </ul>	<p>These submissions follow a major review by the Australian Human Rights Commission entitled <i>Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces</i>, and constitute a high priority area for the Law Council.</p> <p>The new legislation includes a positive duty on employers to take reasonable and proportionate measures to eliminate sexual and sex-based harassment as far as possible. The Law Council has</p>	<p>Principles 1 and 6</p>

<ul style="list-style-type: none"> <li>• <b>Submissions to Senate Legal and Constitutional Affairs Legislation Committee inquiry into Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Bill 2022 (14 October 2022)</b></li> <li>• <b>Submission to the Senate Finance and Public Administration Committee for its inquiry into the Workplace Gender Equality Amendment (Closing the Gender Pay Gap) Bill 2023 (Cth) (3 March 2023);</b> Complementary Virtual Roundtable: <i>Review of the Workplace Gender Equality Act 2012</i> (Department of Prime Minister &amp; Cabinet), held on 23 November 2021</li> </ul>	<p>consistently advocated in favour of introducing this duty and addressing Respect@Work recommendations.</p> <p>The Senate Legal and Constitutional Affairs Legislation Committee issued <a href="#">its report</a> on 3 November 2022. The Law Council’s submissions were cited throughout the report.</p> <p>In October 2022, Law Council President Mr Tass Liveris participated in the Northern Territory Women Lawyer’s Association leaders’ forum on bystander intervention training relating to sexual harassment in the legal profession and promoted awareness and take up of the Law Council’s Model Framework.</p> <p>In November 2022, the Law Council <a href="#">welcomed</a> the enactment of the <i>Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth)</i>, calling it an ‘important milestone’.</p> <p>In March 2023, the Law Council welcomed the Australian Government’s ongoing commitment to implementing the 2021 Review of the <i>Workplace Gender Equality Act 2012 (Cth)</i>.</p>	
<p><b>Submission to the Department of Health and Aged Care in relation to its Exposure Draft of the Quality of Care Amendment (Restrictive Practices) Principles 2022 (Cth) (20 September 2022)</b></p>	<p>The Law Council noted that this Exposure Draft Bill would amend the Quality of Care Principles 2014 (Cth), which regulate conduct of workers in Aged Care and related facilities. It recommended maintaining operation of state and territory regulation (rather than overriding it), bolstering safeguards, and prioritising the views and involvement of care recipients.</p>	<p>Principle 1</p>
<p><b>Substantial submissions relating to Australia’s climate change policy settings:</b></p> <ul style="list-style-type: none"> <li>• <b>Submission to the House Standing Committee on Environment and Energy, in relation to the Climate Change (National Framework for</b></li> </ul>	<p>These submissions reflected the Law Council’s advocacy on how Australia should be dealing with the climate crisis, including through responsible and sustainable business conduct.</p> <p>These submissions drew on the Law Council’s <a href="#">Climate Change Policy</a> and expertise of its Climate Change Working Group, as</p>	<p>Principles 7 and 8</p>

<p><b><i>Adaptation and Mitigation) Bill 2020 and Climate Change (National Framework for Adaptation and Mitigation) (Consequential and Transitional Provisions) Bill 2020 – Questions on Notice (22 February 2021)</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>Submission to the Senate Environment and Communications Legislation Committee, in relation to the Inquiry on the Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021 (16 April 2021);</i></b></li> <li>• <b><i>Submission (Supplementary) sent to the Parliamentary Senate Environment and Communications Legislation Committee, in relation to the Inquiry on the Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021 (19 May 2021) (EPBC Bill);</i></b></li> <li>• <b><i>Submission to The Treasury in relation to its Climate-related financial disclosure – Consultation paper (3 March 2022)</i></b> (plus preparatory Treasury-hosted Climate Disclosure Roundtable, held on 25 January 2023)</li> <li>• <b><i>Submission to the Senate Environment and Communications Legislation Committee for its inquiry into the provisions of the Climate Change Bill 2022 (Cth) and the Climate Change (Consequential Amendments) Bill 2022 (Cth) (10 August 2022) (Climate Change Bill)</i></b></li> <li>• <b><i>Submission to the Joint Standing Committee on Trade and Investment Growth in relation to its inquiry into Australia’s transition to a green energy superpower (22 December 2022)</i></b></li> </ul>	<p>well as its Corporations Committee (Business Law Section); Australian Environmental Planning Law Group (Legal Practice Section).</p> <p>These submissions were influential in the final content of many of the relevant Parliamentary committee reports. They also informed amendments which were introduced and passed on the Climate Bill. The Law Council appeared before a Parliamentary committee outlining its concerns about the EPBC Bill in its concerning form. The EPBC Bill did not pass and lapsed with the end of the last parliament.</p>	
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<p><b><i>Submission to Attorney-General's Department in relation to Review of the Commonwealth Modern Slavery Act 2018 (13 December 2022)</i></b></p>	<p>The Policy Division authored a substantial submission to the Attorney-General's Department in relation to the <a href="#">statutory review</a> of the <i>Modern Slavery Act 2018 (Cth)</i>. Its key recommendations included that an Anti-Slavery Commissioner be established, that civil penalties be introduced for non-compliance with reporting requirements in certain circumstances, and that consideration be given to lowering the annual turnover threshold for reporting entities.</p>	<p>Principles 1, 2, 4 and 5</p>
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**Appendix B – Activities completed in reporting period**

1. Attract new participants to the Global Compact through their outreach efforts and awareness-raising

Action	Measurement of outcomes
<p>The Law Council has a specialist Business and Human Rights Committee (<b>BHRC</b>) which includes a representative of the Global Compact Network Australia (<b>GCNA</b>), and an Independent Examiner for the Australian National Contact Point (<b>AusNCP</b>) under the OECD Guidelines for Multinational Enterprises.</p>	<p>Having a Board Member of the GCNA on the BHRC provides a link between the GCNA and the legal profession, allowing the Law Council to promote the GCNA through its advocacy and proactive work.</p> <p>Having an Independent Examiner of the AusNCP on the BHRC connects us to the efforts of the Australian Government to ensure responsible business conduct.</p>
<p>Attended the Australian launch of the Business &amp; Human Rights Lawyers' Association in March 2023 – several members of the GCNA were also in attendance.</p>	<p>The Global Compact stands to gain significant awareness amongst legal profession due to formation of this new Association.</p>

2. Organise learning and dialogue events, workshops and training for their members on the UN Global Compact and specific topics relevant to corporate sustainability

Action	Measurement of outcomes
<p>Law Council of Australia (<b>LCA</b>) Joint Section Continuing Professional Development Symposium (<a href="#">June 2022</a>)</p>	<p>Symposium included sessions on Climate Change, as well as Directors' Duties &amp; ESG</p>
<p>LCA 2022 Consumer Rights Forum</p>	<p>Better understanding of the protection of rights of business customers</p>



<p>Regular quarterly meetings of LCA Advisory Committees and Working Groups working on UNGC-related issues, including our Business and Human Rights Committee, Climate Change Working Group, Equal Opportunity Committee, Indigenous Legal Issues Committee and Australian Environmental &amp; Planning Law Group of the Legal Practice Section.</p>	<p>These advisory committees and working groups enable the LCA to submit expert input into Government, NGO and business consultations, serving as the voice of the legal profession in Australia.</p>
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3. Engage their members in collective action efforts on Global Compact-related issues

Action	Measurement of outcomes
Attendance at Making Global Goals Local Conference (May 2021)	Contributing to events organised by UNGC Network Australia
<ul style="list-style-type: none"> <li>- Senior Officials Meeting of the National Roundtable on Human Trafficking and Slavery, facilitated by Australian Border Force (18 August 2021)</li> <li>- 8th meeting Modern Slavery Expert Advisory Group, held on 5 November 2021;</li> <li>- Modern Slavery Expert Advisory Group meeting held on 15 February 2022;</li> <li>- Meeting with Attorney-General's Department (<b>AGD</b>), regarding Targeted Review of Offences for Human Trafficking, Slavery and Slavery-like Practices in Divisions 270 and 271 of the Criminal Code, held on 13 September 2022;</li> <li>- Meeting with AGD's Modern Slavery and Human Trafficking Branch, to discuss a targeted review of Modern Slavery Offences, held on 30 January 2023;</li> <li>- Consultation Session in relation to the review by Professor John McMillan AO of the Modern Slavery Act 2018 (Cth), AHRC, online, held on 27 October 2022.</li> <li>- The Policy Division also, alongside a representative from the Business and Human Rights Committee, attended the Ministerial meeting of National Roundtable on Human Trafficking and Slavery, held on 7 December 2022.</li> </ul>	Contributing to furtherance of Principles 4 and 5

<ul style="list-style-type: none"> <li>- Australian National Contact Point (<b>AusNCP</b>) Peer Review session organised by the OECD to review the AusNCP, held on 7 September 2021;</li> <li>- Webinar for legal practitioners hosted by AusNCP with involvement of LCA Business &amp; Human Rights Committee, 21 October 2021;</li> <li>- General webinar hosted by AusNCP Secretariat, 'AusNCP and the OECD Guidelines', held on 10 November 2022</li> </ul>	<p>The Policy Division promoted these events via Memoranda to constituent bodies and Sections, as well as on social media.</p> <p>The November webinar held by the Australian National Contact Point (AusNCP) was very well attended and useful in promoting the role of the AusNCP. This continues the LCA's longstanding engagement with Treasury on these Guidelines.</p>
3 <sup>rd</sup> Australian National Whistleblowing Symposium, – Attended by Chair, LCA Business and Human Rights Committee; held on 11 November 2021;	Contributing to furtherance of Principles 1 and 10
Australian Dialogue on Business and Human Rights session on 'Free, Prior and Informed Consent' held on 17 November 2021;	Contributing to furtherance of Principle 1
Meeting with The Treasury, to discuss updates to the OECD Guidelines for Multinational Enterprises, held on 22 February 2023;	Contributing to furtherance of All Principles
<ul style="list-style-type: none"> <li>- Meeting with industry stakeholders to discuss Respect@work, held on 10 March 2022;</li> <li>- Prime Minister and Cabinet Respect@Work Roundtable, held 17 March 2022;</li> <li>- Meeting with Fair Work Commission, to discuss its implementation of its expanded Sexual Harassment Jurisdiction, held on 1 March 2023.</li> </ul>	Contributing to furtherance of Principle 6