

31 March 2021

Ms Sanda Ojiambo
Executive Director
UN Global Compact
685 3rd Avenue
New York NY 10017 USA



Submitted online

Dear Ms Ojiambo

Communication of Engagement

I write to express the Law Council of Australia's (**Law Council's**) ongoing support of the United Nations Global Compact (**Global Compact**) and renew its commitment to this initiative.

As the peak professional body representing lawyers in Australia, the Law Council is committed to protecting and promoting the rule of law in Australia and internationally. This includes support for the Global Compact's Ten Principles, and more broadly, the Sustainable Development Goals (**SDGs**).

Key achievements for the Law Council in this past reporting period that are relevant to the Global Compact's Ten Principles include:

- Principle 1 – Businesses support and respect the protection of internationally proclaimed human rights
 - substantial advocacy on multiple human rights issues throughout the COVID-19 pandemic (eg, on the rights of persons in detention, releasing public educational material about the nature and scope of emergency powers in place, and data privacy issues) with a view to ensuring that human rights were understood, upheld and not unduly limited in Australia's federal response;
 - a wide-ranging stakeholder [submission](#) to the Office of the UN High Commissioner for Human Rights (**OHCHR**) in relation to the third Universal Periodic Review, which was substantially cited in the OHCHR's stakeholder summary of key issues, and also reflected in questions put to Australia by multiple States;
 - release of a revised Federal Human Rights Charter [Policy Position](#), setting out the proposed features of a federal human rights Act, which was the subject of a National Press Club Presidential address and garnered substantial media coverage; and
 - participation in the Australian Human Rights Commission's Free and Equal Inquiry, including a comprehensive [submission](#) which set out the case for a federal Act and multiple other practical reforms to improve human rights outcomes, including a National Business and Human Rights Action Plan.
- Principles 4 and 5 – The elimination of all forms of forced and compulsory labour, and the effective abolition of child labour

- advocacy in support of the adoption and implementation of the *Modern Slavery Act 2018* (Cth) (**MSA**) in Australia, including participation in parliamentary inquiries, detailed advice and support of Government efforts to introduce reporting requirements for enterprises and the release of a factsheet to assist corporate counsel regarding reporting requirements under the MSA;
 - involvement in the Federal Government's Expert Advisory Group on Modern Slavery established to communicate and implement the MSA. The Law Council is pleased to be represented by the Chair of its Business and Human Rights Committee. Three other members of the Business and Human Rights Committee also sit on this Group; and
 - participation in the National Roundtable on Modern Slavery and Human Trafficking, as well as detailed submissions regarding Australia's next National Action Plan on Modern Slavery (2020-2025) which highlighted the need to address multiple barriers to achieving stronger outcomes on forced labour and child labour. These included practical visa barriers, and the need for: extended support for victims; joint referral processes leading to prosecutions; greater education for frontline services; and a stronger focus on rural, regional and remote Australia and key sectors of concern. Multiple Law Council recommendations were reflected in the Australian Government's National Action Plan on Modern Slavery, which was released at the end of 2020.
- Principle 6 - The elimination of discrimination in respect of employment and occupation
 - release of its [National Action Plan to Reduce Sexual Harassment in the Australian Legal Profession](#), which includes law reform proposals regarding the *Sex Discrimination Act 1984* (Cth) and recommendations to drive cultural change in the Australian legal profession including the development of model policies for the profession and proposals to amend legal professional regulations pertaining to discrimination and sexual harassment; and
 - detailed submissions regarding the Australian Government's proposed exposure drafts of new legislation to address religious discrimination at the federal level, including participation in forums held by both major parties and government agencies on these issues. The Law Council supports the introduction of such legislation but has noted its concerns regarding certain unorthodox provisions, which depart from usual anti-discrimination laws and may override broader human rights.
 - Principles 7 and 8 – Businesses should support a precautionary approach to environmental challenges, and undertake initiatives to promote greater environmental responsibility
 - advocacy in relation to Professor Graeme Samuel AC's Independent Review of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**). The Law Council provided a substantial [submission](#) and was involved in the Samuel's Working Group in the preparation of this Report. This submission drew particular attention to the precautionary principle, and the need to ensure that the EPBC Act remained strong and was properly enforced going forward, as well as ensuring transparent and accountable decision-making through key safeguards such as judicial review and merits review;

- substantial submissions and appearance before the Joint Standing Committee on Northern Australia as part of its Inquiry into the destruction of 46,000 year old caves at the Juukan Gorge in the Pilbara region of Western Australia. This drew particular attention to the inadequacy of existing federal and Western Australian cultural heritage legislation in protecting against such events occurring. It described stronger models and called for significant reforms. The Law Council's recommendations were reflected in the Inquiry interim report's calls for federal and state law reform;
- adoption of a [Policy Statement](#) on Sustainable Development (September 2019) which is in turn informing a wide range of Law Council advocacy; and
- establishment of the Law Council's Climate Change Working Group, drawing on a wide range of its Section and Committee experts, to consider the legal implications of climate change. The Working Group is considering these implications in terms of existing international law obligations, domestic legal frameworks and the implications for the legal profession itself. The results of this work will be considered by the Law Council Directors and Executive in due course.

Further detail on the suggested activities for 'business and industry associations' that the Law Council has undertaken in this reporting period and measurement of outcomes is at **Appendix A**.

Yours sincerely



Michael Tidball
Chief Executive Officer

Appendix A – Activities completed in last reporting period

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

Action	Measurement of outcomes
The Law Council has a specialist Business and Human Rights Committee (BHRC) which includes a representative of the Global Compact Network Australia (GCNA).	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.
Attended the GCNA's Annual Dialogue on Business and Human Rights and promotion of the event among the legal profession.	A representative from the Law Council generally attends the GCNA Annual Dialogue on Business and Human Rights and prepares a report for distribution to its constituent bodies, sections and committees nationally through its fortnightly electronic newsletter.

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
Organised and hosted a meeting with Ms Kylie Porter, Executive Director of the GCNA.	The meeting provided a forum for members of the BHRC to learn more about the work of the GCNA and to discuss opportunities for future engagement.
Co-convened a legal roundtable on the implementation of the MSA in partnership with the Government's Modern Slavery Business Engagement Unit (25 February 2020).	The event was attended by legal practitioners from across Sydney, including representatives from five major firms. This was a valuable opportunity for frank dialogue between the profession and the Government on emerging issues and potential challenges in implementing the MSA.
Engaged with the Australian Law Reform Commission (ALRC) in relation to its Corporate Criminal Responsibility Report 2020, in particular recommendations around mandatory human rights due diligence for business.	The meeting provided a forum for members of the BHRC to engage with the ALRC and to consider some of the issues surrounding the adoption a human rights due diligence mechanism in Australia. The BHRC have since identified mandatory human rights due diligence as a priority area of work in 2021.
Hosted an online lecture <i>Tackling Modern Slavery: A Review of the Effectiveness of the National Action</i>	This lecture was hosted by the Law Council's International Law Section. Guest speakers included: Emeritus Professor Rosalind Croucher AM, President of the Australian Human Rights Commission, and Mr Kevin

<p><i>Plan to Combat Human Trafficking and Slavery in Australia.</i></p>	<p>Hyland OBE, the UK's first Independent Anti-Slavery Commissioner. 60 people registered for the webinar, with an additional 47 views.</p>
<p>The Law Council's Federal Litigation and Dispute Resolution Section (FLDRS) Migration Law Committee held its Immigration Law Conference which included a showcase session on modern slavery (March 2020).</p>	<p>The 2020 Immigration Law Conference <i>Crossing the Borders of Immigration Law</i> hosted by the Migration Law Committee of the FLDRS included a session on modern slavery. Speakers included Mr Kevin Hyland OBE, UK's first Independent Anti-Slavery Commissioner and Mr David Brightling, Assistant Secretary, Modern Slavery and Human Trafficking, Australian Border Force. The conference was attended by 275 delegates.</p>
<p>Convened the National Roundtable Addressing Sexual Harassment in the Australian Legal Profession.</p>	<p>On 8 July 2020, the Law Council convened the virtual Roundtable of experts including inclusion and diversity representatives, regulators, women lawyers' associations, law student and university representatives and the Sex Discrimination Commissioner. This forum of experts facilitated the refining of policy positions and responses to this subset of gender discrimination, including proposals for discrimination law reform and measures to drive cultural change. These formed the basis for the Law Council's National Action Plan to Reduce Sexual Harassment in the Australian Legal Profession.</p>

3. Engage their members in collective action efforts on Global Compact-related issues

Action	Measurement of outcomes
<p>Supported the Chair of the BHRC to attend the 8th Annual United Nations Global Forum on Business and Human Rights in Geneva (25 to 27 November 2019). The theme of the Forum was <i>The Time to Act: Governments as catalysts for business respect for Human Rights</i>. Two other members of the BHRC were also in attendance.</p>	<p>The Law Council prepared a report identifying key take away messages from the Global Forum for distribution to its constituent bodies, sections and committees nationally through its fortnightly electronic newsletter.</p>

<p>Advocacy in support of a Modern Slavery Act in Australia, and associated guidance material, including:</p> <ul style="list-style-type: none"> • making a submission and giving evidence to the Senate Legal and Constitutional Affairs Committee in relation to its inquiry into the Modern Slavery Bill 2018 (Cth) (July 2018); • making a submission to the Department of Home Affairs regarding its <i>MSA: Draft guidance for reporting entities</i> (20 May 2019); and • making a submission to the Australian Border Force regarding the Australian Government's public consultation paper on the <i>National Action Plan to Combat Modern Slavery 2020-24</i> (21 February 2020) (Modern Slavery National Action Plan). <p>At a state level, the Law Council wrote to the Law Society of NSW and the NSW Bar Association regarding the review of the <i>Modern Slavery Act 2018</i> (NSW) (27 September 2019) supporting the Law Society of NSW's efforts to maintain this relatively strong regime and raising specific issues.</p>	<p>The Law Council has long advocated for a Modern Slavery Act in Australia. In 2018, the Law Council welcomed the passage of the MSA.</p> <p>On 9 December 2020, the Australian Government launched its new Modern Slavery National Action Plan. Many of actions reflect recommendations made by the Law Council in its submission to the Australian Government's Public Consultation Paper.</p> <p>The Law Council provides ongoing advocacy in terms of implementation of the MSA as a member of the Australian Government's Modern Slavery Expert Advisory Group, as well as a participant in the National Roundtable on Human Trafficking and Modern Slavery hosted by the Australian Government.</p>
<p>Published a factsheet on reporting requirements under the MSA (July 2020), in collaboration with the Association of Corporate Counsel.</p>	<p>The Law Council, in collaboration with the Association of Corporate Counsel, released a factsheet to help corporate counsel regarding reporting requirements under the MSA. The factsheet has been widely circulated as a resource for in-house counsel who are often primarily responsible for aiding business to meet their reporting requirements.</p>
<p>Advocacy in support of the Australian National Contact Point (AusNCP) including a submission to Treasury regarding its consultation on the AusNCP procedures (August 2019).</p>	<p>At its recent meeting, the Law Council provided feedback on the accessibility of the AusNCP's resources and promotional material. This feedback is currently being considered by the AusNCP which has indicated that it is receptive to mutual efforts to improve the accessibility of this important</p>

<p>More recently, the Law Council met with the AusNCP to discuss opportunities to promote the AusNCP's processes and OECD Guidelines for Multinational Enterprises.</p> <p>In its submission to Treasury in relation to the 2021-22 Federal Budget (February 2021), the Law Council re-emphasised the need for ongoing and, if necessary, expanded, funding be made available to the AusNCP to enable it to effectively fulfil its responsibilities, including to undertake promotion activities.</p>	<p>process. The Law Council maintains an ongoing dialogue with the AusNCP.</p> <p>The Federal Budget is yet to be finalised.</p>
<p>Contributed to efforts to help eradicate human trafficking and modern slavery, including:</p> <ul style="list-style-type: none"> • making a submission to the Department of Foreign Affairs and Trade (DFAT) regarding its consultation paper on a new International Strategy on Human Trafficking and Modern Slavery (11 May 2020); and • making a submission to the Joint Standing Committee on Foreign Affairs, Defence and Trade – Human Rights Sub-Committee regarding its inquiry into the human rights of women and girls in the Pacific which recommended placing greater emphasis on the prevention of modern slavery in the region (14 August 2020). 	<p>The development of the Department of Foreign Affairs and Trade's International Strategy on Human Trafficking and Modern Slavery is ongoing.</p> <p>The inquiry into the human rights of women and girls in the Pacific is ongoing.</p>
<p>Highlighted the exploitation of workers and advocated for stronger protections, including through:</p> <ul style="list-style-type: none"> • publication of the Law Council's Justice Project, which considers the legal need and challenges in access to justice across thirteen disadvantaged groups in Australia, including people who 	<p>The Justice Project is one of the most comprehensive, national reviews into the state of access to justice in Australia in the past 40 years and has been extensively cited. In the context of modern slavery, a number of its recommendations are reflected in the Government's recently adopted Modern Slavery National Action Plan. The Shadow Attorney-General has called for the full implementation of the Justice Project's recommendations.</p>

<p>have trafficked and exploited (August 2018); and</p> <ul style="list-style-type: none"> making a submission to the Select Committee on COVID-19's Inquiry into the Australian Government's response to the COVID-19 pandemic (June 2019), as well as broader advocacy (eg, on the rights of persons in detention) with a view to ensuring that human rights were understood, upheld and not unduly limited in Australia's federal response. 	<p>The inquiry into the Australian Government's response to the COVID-19 pandemic is ongoing.</p>
<p>Advocacy in relation to the adoption of a National Action Plan on Business and Human Rights, including making a stakeholder submission to the OHCHR in relation to the third Universal Periodic Review (8 July 2020).</p> <p>It also made a comprehensive submission to the Australian Human Rights Commission's Free and Equal Inquiry, which set out the case for a federal Act and multiple other practical reforms to improve human rights outcomes, including a National Business and Human Rights Action Plan.</p>	<p>The Law Council's influence is evident in the OHCHR's Summary of Stakeholders' submissions on Australia, as it is cited extensively.</p> <p>The AHRC's Free and Equal Inquiry is ongoing. It is expected to release a 'roadmap' for national human rights reform shortly.</p>
<p>Adoption of revised Policy Position on a Federal Human Rights Charter (November 2020).</p>	<p>The Policy Position sets out the proposed features of a federal human rights Act. This Policy was the subject of a National Press Club Presidential address and garnered substantial media coverage.</p>
<p>Adoption of Policy Statement on Sustainable Development (September 2019).</p>	<p>The Policy Statement articulates nine key sustainable development principles to inform government, corporate and civil society decision-making on significant matters of law and policy, particularly regarding environmental impacts. The Policy has recently underpinned the Law Council's response to Australia's review of its flagship environmental legislation. The Policy draws on the sustainable development goals and is highly relevant to their realisation, including</p>

	SDGs 6, 11, 13, 14 and 15 regarding water, sustainable communities and cities, health, life on land and climate action.
Participated in the Economic and Social Council High Level Segment for follow-up and review of the 2030 Agenda for Sustainable Development and the Sustainable Development Goals (July 2020).	The Law Council's written statement to the 2020 ECOSOC High Level Segment promoted the Law Council's Justice Project work in tracking Australia's progress under sustainable development goal 16.3 (promote the rule of law at the national and international levels, and ensure equal access to justice for all) and made constructive recommendations for further progress.
<p>Advocacy in terms of cultural heritage and business and human rights, including:</p> <ul style="list-style-type: none"> making a submission to the statutory review of the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth) (20 April 2020), as well as participating in the working group; and making a submission (21 August 2020) and supplementary submission (22 October 2020) 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. 	<p>In relation to the <i>Environment Protection and Biodiversity Conservation Act 1999</i> (Cth), the Law Council's influence is evident in the Independent Reviewer's Report, as it is cited repeatedly.</p> <p>The Law Council has supported the recommendations made by the Report which include new National Environmental Standards, a better approach to enforcement and stronger participation of Indigenous Australians in decision-making processes. The Law Council now anticipates responding to the Environment Protection and Biodiversity Conservation Amendment (Standards and Assurance) Bill 2021 which was introduced on 25 February 2021.</p> <p>The interim report of the Joint Standing Committee on Northern Australia regarding its Juukan Gorge inquiry made several recommendations in line with the Law Council's positions, including substantial reforms to federal laws. The Law Council anticipates that there will be further opportunities to respond to this inquiry in 2021.</p>
Established a Climate Change Working Group.	The Law Council's Climate Change Working Group is currently considering the legal implications of climate change and developing a policy position on those implications.
Promotion of the Law Council's Equitable Briefing Policy and reporting guidelines .	The Briefing Policy is intended to support the progression and retention of women barristers, and address the significant pay gap and underrepresentation of women in the

	superior courts. As at June 2019, 443 organisations have signed up to the Equitable Briefing Policy.
Made a submission to the Australian Human Rights Commission's National Inquiry into Sexual Harassment in Australian Workplaces.	The Law Council's influence is evident in the Australian Human Rights Commission's final report on the Inquiry .
Developed a National Action Plan to Reduce Sexual Harassment in the Australian Legal Profession .	This includes law reform proposals regarding the <i>Sex Discrimination Act 1984</i> (Cth) and recommendations to drive cultural change in the Australian legal profession, including the development of model policies for the profession and proposals to amend legal professional regulations pertaining to discrimination and sexual harassment. The Law Council is working with its Equal Opportunity Committee, constituent bodies and external stakeholders in respect of the implementation of the projects recommended in the National Action Plan.
Multiple submissions (February 2020 and October 2019) regarding the Australian Government's proposed exposure drafts of new legislation to address religious discrimination at the federal level, including participation in forums held by both major parties and government agencies on these issues.	The Law Council supports the introduction of such legislation but has noted its concerns regarding certain unorthodox provisions, which depart from usual anti-discrimination laws and may override broader human rights. The Law Council anticipates further engagement on this issue once legislation is introduced into Federal Parliament.