



25 September 2026

www.alhr.org.au

Australian Government
Attorney General's Department
Via email: Slavery.Reform@ag.gov.au

Dear Secretariat,

Strengthening Australia's legislative response to modern slavery in supply chains

Australian Lawyers for Human Rights (**ALHR**) is grateful for the opportunity to make this submission to the consultation to strengthen Australia's response to modern slavery through the introduction of a failure to prevent modern slavery offence and associated enforcement mechanisms. The proposed reforms represent a significant step in Australia's modern slavery framework, strengthening the existing reporting regime by introducing measures that promote accountability, prevention, due diligence, remediation and improved outcomes for affected workers and communities.

1. Acknowledgement

ALHR acknowledges the traditional owners and custodians of the lands, rivers and seas on which we work, live and travel across Australia as the first people of this country. We recognise that the land belonging to these peoples was never ceded. We pay our deep respect to Elders past and present. We recognise First Nations peoples' cultural authority and rights to self-determination. We also recognise that when First Nations people and communities receive the respect and support they deserve, they have a proud history of designing and implementing robust, holistic and culturally safe Aboriginal and Torres Strait Islander led solutions.

2. About Australian Lawyers for Human Rights

ALHR was established in 1993 and is a national association of Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and specialist thematic committees.

ALHR seeks to utilise its extensive experience and expertise in the principles and practice of international law and human rights law in Australia to:

- promote Federal and State laws across Australia that comply with the principles of international human rights law;
- engage with the United Nations in relation to Australian human rights violations;
- promote and support lawyers' practice of human rights law in Australia; and
- engage internationally to promote human rights and the rule of law.

Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.

3. Introduction

This submission addresses the 5 questions of the consultation and presents below a summary of the key points and 18 **recommendations** for the considered options.

ALHR finds the proposed framework has the potential to strengthen incentives for prevention, improve corporate governance and contribute to better protection of workers vulnerable to exploitation. At the same time, the design of the offence requires careful consideration to ensure that it is effective, proportionate, enforceable and consistent with internationally recognised standards on responsible business conduct, including the United Nations Guiding Principles on Business and Human Rights (UNGPs)¹ and the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (OECD Guidelines).²

This submission supports the introduction of a failure to prevent offence but recommends several refinements to better align the regime with contemporary human rights due diligence approaches and to ensure that the framework encourages meaningful prevention and remediation rather than defensive or reactive compliance.

4. Recommendations

ALHR makes the following recommendations:

Recommendation 1: Introduce the failure to prevent modern slavery offence as a preventative accountability mechanism informed by human rights due diligence principles, while retaining its character as a criminal offence.

Recommendation 2: A civil liability and regulatory enforcement regime, including direct access to remedy for affected workers, be established alongside the proposed criminal offence.

Recommendation 3: The proposed annual consolidated revenue threshold of \$100 million is proportionate as it aligns with the *Modern Slavery Act 2018* (Cth), but its effectiveness, appropriateness and coverage should be subject to statutory review within three years of commencement.

Recommendation 4: Broaden the scope of underlying conduct to include deceptive recruitment practices where they are sufficiently and substantially connected to subsequent slavery, servitude, forced labour or debt bondage.

Recommendation 5: The nexus between corporate conduct and harm should be further considered to avoid confining liability to exploitation occurring at or near Tier 1, and to ensure that a finding of material contribution does not inadvertently negate or undermine the operation of the reasonable steps defence.

¹ OHCHR (2011) 'Guiding Principles on Business and Human Rights : Implementing the United Nations "Protect, Respect and Remedy" Framework', <https://www.ohchr.org/en/publications/reference-publications/guiding-principles-business-and-human-rights>.

² Organisation for Economic Co-operation and Development (OECD), 'OECD Due Diligence Guidance for Responsible Business Conduct' (OECD Publishing 2018), https://www.oecd.org/en/publications/oecd-due-diligence-guidance-for-responsible-business-conduct_15f5f4b3-en.html.

Recommendation 6: Adopt a strict liability model supported by a robust reasonable steps defence.

Recommendation 7: Human rights due diligence should be a central, but not exclusive, means by which a corporation may establish that it took reasonable steps.

Recommendation 8: The legislation and guidance should provide greater clarity on the standard of prevention expected of corporations.

Recommendation 9: The allocation and standard of the evidentiary burden for the reasonable steps defence should be further considered, particularly given the criminal nature of the offence.

Recommendation 10: Complement financial penalties with corrective and remedial measures.

Recommendation 11: Revenue derived from monetary penalties to be directed, at least in part, towards the establishment and ongoing funding of a National Compensation Scheme for victims and survivors of modern slavery.

Recommendation 12: Provide a transition period before commencement, with final guidance available well in advance, to give all stakeholders a sufficient and meaningful opportunity to prepare for and implement the proposed changes.

Recommendation 13: Promote coherence with existing domestic and international frameworks.

Recommendation 14: Ensure the regime encourages responsible engagement, remediation, supplier improvement and worker protection rather than supplier disengagement.

Recommendation 15: Establish and maintain a centralised resource hub containing practical guidance, model templates, sector-specific resources, training materials and compliance tools to support implementation of the offence.

Recommendation 16: Introduce a Deferred Prosecution Agreement (DPA) scheme but only with strong safeguards.

Recommendation 17: Strengthen the civil remedies framework to provide more accessible and effective avenues of redress for victims and survivors.

Recommendation 18: Place prevention, remediation, responsible use of corporate leverage and continuous improvement in supply chain practices at the centre of the regime.

5. Part A – Failure to prevent offence for modern slavery (Questions 1 - 3)

5.1. Question 1 – Model

5.1.1. General approach

The proposed failure to prevent offence is a welcome and necessary development. Australia's existing reporting framework has improved awareness and transparency but has not consistently generated sufficient incentives for entities to prevent and address modern slavery risks effectively.³ The proposed offence would help address this accountability gap by creating consequences for corporate failures to take appropriate preventative action in relation to modern slavery risks within their operations and supply chains.

ALHR recommends that the **offence be framed as a preventative corporate accountability mechanism informed by human rights due diligence (HRDD) principles, while retaining its character as a criminal offence.** Although the proposed offence adopts a criminal law framework, its design and implementation should reflect the distinctive nature of modern slavery as a serious human rights abuse and the complexity of modern slavery risks in multi-tiered supply chains.

Traditional criminal law models focus primarily on establishing that an offence has occurred, the requisite connection between the offending conduct and the accused, and the applicable basis of criminal liability. This approach may be more difficult to apply to modern slavery in complex supply chains, where exploitation may occur several tiers removed from the reporting entity and involve multiple actors, jurisdictions and commercial relationships. In this context, accountability should not depend solely on the corporation's ability to prevent the occurrence of modern slavery, but should also reflect whether it took appropriate and proportionate steps to identify, prevent, mitigate and address modern slavery risks.

The Consultation Paper's Case Study⁴ illustrates this distinction particularly well. The company identifies no forced labour itself, but has failed to map beyond its direct suppliers, undertake risk assessment, engage with suppliers, monitor conditions or undertake meaningful due diligence before exploitation is identified several intermediaries down the supply chain. A framework informed by HRDD would allow these failures in risk identification and preventative action to be considered alongside the existence and corporate connection to the underlying exploitation.

This approach is consistent with the Australian Anti-Slavery Commissioner's position that Australia should move beyond reporting towards a mandatory, risk-based due diligence obligation, requiring entities to take reasonable steps to identify, prevent and address modern slavery risks. The Commissioner also emphasises that the presence of modern slavery in an entity's operations or supply chains should not, in itself, constitute a breach of a due diligence obligation, recognising that entities can influence but cannot fully control conduct across complex supply chains.⁵

The proposed offence should therefore be interpreted and applied consistently with HRDD principles reflected in the UNGPs and OECD Guidelines.⁶ HRDD should inform the assessment of corporate conduct, including the identification, prioritisation, prevention, mitigation and remediation of modern slavery risks.

³ For example, Office of the Australian Anti-Slavery Commissioner, Recommendations to strengthen Australia's modern slavery laws: Initial position paper (30 January 2026), 5–8, https://www.antislaverycommissioner.gov.au/system/files/2026-01/OAASC_initial_position_paper.pdf.

⁴ Attorney-General's Department (Australia), Strengthening legislative response to modern slavery in supply chains: Consultation Paper (August 2026), 22-23, <https://consultations.ag.gov.au/crime/modern-slavery/>.

⁵ Office of the Australian Anti-Slavery Commissioner, Recommendations to strengthen Australia's modern slavery laws: Initial position paper (30 January 2026), 17.

⁶ See also the UN Working Group on Business and Human Rights recently issuing a formal statement urging the Government of Australia to reform its Modern Slavery Act, including further aligning Australia's framework with the UNGPs, [Working Group on Business and Human Rights, 'Working Group encourages amendments to Australia's Modern Slavery Act 2018 (Cth) that are in alignment with the UN Guiding Principles on Business and Human Rights' (OHCHR, 12 August 2026) <https://www.ohchr.org/en/statements-and-speeches/2026/08/working-group-encourages-amendments-australias-modern-slavery-act>].

ALHR further recommends that a **civil liability and regulatory enforcement regime, including direct access to remedy for affected workers, be established alongside the proposed criminal offence.** This would provide a complementary and proportionate regulatory pathway through which corporations can be required to identify and address modern slavery risks, while enabling more serious or persistent failures to escalate to criminal enforcement.

This approach is consistent with the Australian Law Reform Commission's recommendation for a "smart regulatory mix" comprising both criminal and non-criminal regulatory mechanisms designed to operate in a complementary way.⁷ A complementary civil and regulatory regime would provide a more flexible and responsive mechanism for addressing failures in prevention and due diligence, including where the evidentiary requirements for the proposed criminal offence are not satisfied.

Such a regime would support a responsive and adaptive approach to enforcement, allowing the regulator to engage with corporations to identify and address deficiencies in their risk management and preventative measures, while escalating enforcement where appropriate. It would also provide greater flexibility to respond to salient risks and changing circumstances, including emerging risks and disruptions across complex global supply chains, without requiring the criminal law to be the primary regulatory response in every case.

The civil and criminal regimes should be designed to operate independently but coherently, so that the absence of sufficient evidence to establish the criminal offence does not preclude regulatory action where a corporation has failed to meet applicable preventative or due diligence obligations.

5.1.2. Application of the offence

The proposed **annual consolidated revenue threshold of \$100 million is an appropriate starting point for commencement**, given its alignment with the existing reporting threshold under the *Modern Slavery Act 2018* (Cth).

However, ALHR recommends that **the operation and effectiveness of the threshold be subject to statutory review within three years of commencement**, including consideration of whether the threshold appropriately captures entities operating in sectors or supply chains presenting heightened modern slavery risks. The review could further consider whether a fixed revenue threshold remains appropriate as the regulatory framework develops, including whether additional risk-based criteria are warranted.

5.1.3. Underlying criminal conduct

The proposed focus on slavery, servitude, forced labour and debt bondage is appropriate. However, excluding deceptive recruiting may unnecessarily narrow the scope of the offence. Deceptive recruiting can facilitate subsequent exploitation by creating or exploiting conditions of vulnerability and dependency.

ALHR therefore recommends that **consideration be given to including deceptive recruiting where it is sufficiently and substantially connected to subsequent slavery, servitude, forced labour or debt bondage.** Any such inclusion should be carefully integrated with the

⁷ Australian Law Reform Commission, *Corporate Criminal Responsibility* (ALRC Report No 136, 2020), 469, ch10, <https://www.alrc.gov.au/wp-content/uploads/2020/05/ALRC-CCR-Final-Report-websml.pdf>. A similar complementary approach is currently being considered in Canada. In July 2026, the Canadian Government consulted on potential mandatory human rights due diligence measures, including a possible civil right of action for victims of forced labour or other labour exploitation, alongside its existing forced-labour import prohibition. The consultation expressly identifies due diligence and civil liability as measures that could complement other compliance and enforcement mechanisms, <https://international.canada.ca/en/global-affairs/consultations/trade/2026-07-27-forced-labour/esdc-paper>.

proposed corporate-conduct nexus so that liability is directed to circumstances in which the corporation's conduct has a sufficiently close connection to the subsequent exploitation.

5.1.4. Connection between corporate conduct and harm

The consultation paper recognises that an additional nexus is required between corporate conduct and underlying exploitation. ALHR notes that the proposed requirement for a connection between corporate conduct and the underlying harm **should be carefully reconsidered to ensure that it does not inadvertently confine liability to circumstances in which a corporation's conduct can be directly connected to exploitation occurring at or near Tier 1.**

Modern slavery risks may arise several tiers removed from the corporation, where the corporation nevertheless has responsibilities to identify, prevent, mitigate and respond to those risks. The legislation should therefore ensure that the nexus requirement does not undermine the preventative and risk-based character of the proposed offence or create incentives for corporations to focus their due diligence primarily on Tier 1 relationships.

ALHR further notes that the relationship between the proposed corporate-conduct nexus and the reasonable steps defence should be expressly clarified. In particular, where corporate conduct is found to have "materially contributed to" modern slavery, it is unclear how the reasonable steps defence would operate. The legislation **should clarify whether a finding of contribution establishes the relevant connection** irrespective of the corporation's due diligence efforts, with reasonable steps operating as a separate defence, **or whether the adequacy of the corporation's preventative and risk-management measures forms part of the assessment of whether its conduct materially contributed to the relevant harm.**

This distinction is important because a corporation may have contributed to conditions associated with modern slavery while nevertheless having identified the relevant risks and taken reasonable and proportionate steps to prevent, mitigate and address them. The operation of the nexus and the reasonable steps defence should not produce a situation in which corporations are exposed to liability for risks they have responsibly identified and addressed, nor should the defence operate so broadly that it defeats accountability for corporate practices that materially contribute to exploitation.

5.1.4. Fault element

While recognising the practical challenges associated with proving corporate knowledge or intent in complex supply chains, an absolute liability model risks imposing liability where a company has undertaken extensive and genuine prevention efforts, but nevertheless modern slavery occurs somewhere within the relevant part of its supply chain. Unlike strict liability, absolute liability would not permit a mistake-of-fact defence, potentially making the offence excessively onerous for corporations.

Recklessness may also be a poor fit with the preventative purpose of the offence. It would require the prosecution to establish the corporation's awareness of a substantial risk and its unjustifiable disregard of that risk. This may shift the focus towards proving corporate awareness after the fact, rather than incentivising corporations to establish effective systems to identify, assess and address modern slavery risks proactively.

Therefore, ALHR recommends that a **strict liability approach, combined with a robust reasonable steps defence**, would better achieve the objectives of deterrence, prevention and fairness. This approach would avoid requiring the prosecution to establish subjective corporate knowledge or recklessness, while providing an appropriate safeguard where a corporation can demonstrate that it took reasonable and proportionate steps to prevent modern slavery.

The purpose of the offence should be to incentivise businesses to identify, prevent and address modern slavery risks, rather than to impose liability where corporations have taken appropriate preventative measures but nevertheless been unable to detect concealed wrongdoing.

The operation of the fault element should also be considered alongside the formulation and evidentiary burden of the reasonable steps defence, to ensure that strict liability does not become effectively absolute in practice for corporations operating in complex, multi-tiered supply chains.

5.1.5. Reasonable steps defence

ALHR supports the proposed reasonable steps defence. However, the legislation should make clear that evidence of ongoing and effective **human rights due diligence should be a central, but not exclusive, means by which a corporation may establish that it took reasonable steps**. Courts should have regard to the extent to which a corporation has undertaken, and can provide evidence of, risk identification, prevention, mitigation, remediation and stakeholder engagement processes consistent with recognised international standards.

Some of the factors relevant to the defence should include:

- board and senior management oversight;
- supply chain mapping;
- risk assessment processes;
- stakeholder and worker engagement;
- grievance mechanisms;
- remediation procedures;
- supplier engagement and capacity-building; and
- monitoring and evaluation processes.

In practical terms, the defence should reward genuine, risk-based due diligence rather than encourage a checklist approach.

Also, ALHR recommends that **the legislation and guidance should provide greater clarity on the standard of prevention expected of corporations**, including how ‘reasonable steps’ should be assessed in circumstances where modern slavery nevertheless occurs despite appropriate risk identification and preventative action.

ALHR further recommends that the **allocation and standard of the evidentiary burden for the reasonable steps defence should be further considered, particularly given the criminal nature of the offence**, the uncertainty surrounding the content of ‘reasonable steps’, and the practical limitations on a corporation’s knowledge and control of conduct occurring in complex, multi-tiered supply chains.

5.1.6. Penalties

Penalties should reflect the gravity of modern slavery offences and align with those applicable to comparable corporate misconduct. However, financial penalties alone may be insufficient to drive meaningful behavioural change. Therefore, ALHR recommends that courts should have **access to additional corrective measures** including remediation orders, independent monitoring arrangements, mandatory corrective action plans, enhanced reporting obligations, and compensation orders where appropriate (see also Section B6.2 below).

Consistent with our previous submissions,⁸ ALHR further recommends that **revenue derived from monetary penalties be directed, at least in part, towards the establishment and ongoing funding of a National Compensation Scheme for victims and survivors of modern slavery.** Calls for such a scheme have been made consistently by government bodies, international organisations, investors, civil society organisations and legal experts over a number of years.⁹ A National Compensation Scheme should be informed by international good practice¹⁰ and designed to provide accessible, effective and timely redress while minimising barriers to access for workers in Australia and those affected through global supply chains.

5.1.7. Commencement

ALHR supports a **delayed commencement period to give all stakeholders a sufficient and meaningful opportunity to prepare for and implement the proposed changes, provided that final guidance is made available well in advance of commencement.**

A delayed implementation period would support more effective compliance by allowing reporting entities and other affected businesses sufficient time to review and strengthen existing policies, contractual arrangements, training programs, grievance mechanisms and risk-management processes. It would also enable affected supply-chain partners, including small and medium-sized enterprises (SMEs) that may be subject to increased due diligence expectations through commercial relationships, to prepare adequately for the practical implications of the reforms.

In addition, a transition period would provide government agencies, regulators and relevant civil society organisations with a meaningful opportunity to develop guidance, undertake education and outreach activities, build compliance capability and promote consistent implementation across sectors. Civil society organisations, including worker and survivor representatives and organisations providing legal, advocacy and support services, should have sufficient time to understand the new framework and prepare to assist affected workers and survivors to access available protections and remedies. This would reduce uncertainty and minimise unnecessary compliance costs, thus increasing the chances of the proposed reforms achieving their intended preventative objectives from commencement.

5.2. Question 2 – Impact

The principal means of reducing compliance costs while preserving effectiveness is to align the offence with existing due diligence frameworks already used by businesses. Compliance efforts undertaken for the *Modern Slavery Act* (2018) reporting, OECD due diligence processes and relevant governance, risk and compliance frameworks should be capable of being relied upon as evidence of reasonable steps. The Government should avoid creating separate or duplicative compliance systems. The OECD Guidance emphasises that due diligence should be tailored to

⁸ For example, Australian Lawyers for Human Rights, Submission to the Attorney-General's Department Consultation: Strengthening the Modern Slavery Act (25 August 2025), <https://alhr.org.au/strengthening-the-modern-slavery-act/>.

⁹ For example, Report of the Special Rapporteur on contemporary forms of slavery including its causes and consequences, Tomoya Obokata (Australia), A/HRC/60/28/Add.1 (16 July 2025); Australian Human Rights Commission, Submission to the Targeted Review of Divisions 270 and 271 of the Criminal Code Act 1995 (Cth) (8 March 2023); Law Council of Australia, Targeted Review of Divisions 270 and 271 of the Criminal Code (Submission to the Attorney-General's Department, 10 March 2023); Anti-Slavery Australia, 'Justice for All: Establishing a National Compensation Scheme for Survivors of Modern Slavery' (7 July 2022) <https://antislavery.org.au/justice-for-all/>.

¹⁰ For example, Directive (EU) 2024/1760 of the European Parliament and of the Council of 13 June 2024 on corporate sustainability due diligence and amending Directive (EU) 2019/1937 and Regulation (EU) 2023/2859 [2024] OJ L 2024/1760, art 29.

an enterprise's circumstances and may be adapted to differing levels of capacity, including SMEs.¹¹

ALHR, therefore, recommends that the offence **should operate consistently with the *Modern Slavery Act (2018)*, recognised international due diligence frameworks and comparable overseas regulatory regimes**, thereby reducing duplication, promoting legal certainty and improving regulatory coherence.

A further risk is that businesses may respond to liability concerns by disengaging from higher-risk regions, sectors or suppliers rather than seeking to address underlying risks. While such responses may reduce legal exposure, they can also undermine the objectives of the legislation by withdrawing economic opportunities, weakening leverage for change and potentially worsening outcomes for vulnerable workers and communities. Consistent with the OECD Guidelines and the UNGPs, disengagement should generally be treated as a measure of last resort after reasonable efforts have been made to prevent, mitigate and remediate adverse impacts.

Particular consideration should also be given to the indirect effects of the offence on SMEs. Although SMEs may fall below the liability threshold, they are likely to experience increased due diligence expectations through contractual requirements imposed by larger businesses. As a result, SMEs may face additional administrative burdens, reporting demands and compliance costs despite not being directly subject to the offence. These impacts can be mitigated through clear and proportionate guidance, sector-specific tools, model compliance resources and capacity-building support. Any guidance should recognise that due diligence is risk-based and proportionate to the size, resources and operating context of the business concerned.

Therefore, ALHR recommends that **the legislation, accompanying guidance and enforcement approach incentivise responsible engagement, remediation, supplier improvement and worker protection rather than automatic termination of commercial relationships**. Particular attention should be given to ensuring that SMEs are supported in meeting downstream due diligence expectations and are not disproportionately burdened by compliance requirements flowing through supply chains. Consequently, the Government should monitor whether the introduction of the offence leads to a transfer of compliance costs to SMEs through supply chain contracting arrangements and review the effectiveness of any support measures after implementation.

5.3. Question 3 – Support

Corporations will require extensive practical support to comply effectively with any failure to prevent offence. In particular, guidance should be designed to promote consistency, reduce compliance costs and support implementation across businesses of different sizes and sectors.

Priority areas should include:

- model due diligence frameworks;
- sector-specific guidance and risk profiles;
- model contractual clauses and supplier engagement tools;
- worker engagement, worker voice and grievance mechanism resources;
- governance, director and board oversight guidance;
- remediation and responsible disengagement guidance;
- training materials and awareness-raising resources;
- indicators and examples of effective reasonable steps;
- risk indicators for common modern slavery scenarios; and

¹¹ See Organisation for Economic Co-operation and Development (OECD), 'OECD Due Diligence Guidance for Responsible Business Conduct' (OECD Publishing 2018).

- practical tools, templates and case studies tailored to SMEs.

Particular attention should be given to supporting SMEs, which may face increased due diligence expectations and contractual requirements through supply-chain relationships even where they fall below any liability threshold. Guidance should therefore be proportionate, accessible and accompanied by practical implementation resources that minimise unnecessary administrative burdens.

Guidance should be developed collaboratively with businesses, trade unions, civil society organisations, victim and survivor advocates, the Australian Anti-Slavery Commissioner, and, where appropriate, workers and affected communities with lived experience. It should also be reviewed regularly to reflect emerging risks, evolving good practice as well as developments in international standards.

To facilitate effective communication, accessibility and uptake of guidance, ALHR recommends that the Government should maintain a **central online resource hub containing guidance, templates, case studies, FAQs and sector-specific tools**.

6. Part B – Alternative enforcement (Questions 4 - 5)

6.1. Question 4 – Deferred Prosecution Agreements

In principle, ALHR supports the **introduction of a Deferred Prosecution Agreement (DPA) regime, provided it is accompanied by robust safeguards**. Evidence from existing DPA frameworks suggests that DPAs can encourage corporate self-reporting, facilitate cooperation with investigations, improve access to information and evidence, and support remediation and compliance improvements through agreed corrective measures.¹²

However, strong safeguards are essential to maintain public confidence and ensure that DPAs are not perceived as mechanisms through which corporations may avoid meaningful accountability for serious wrongdoing. Any DPA scheme should therefore require judicial or independent oversight, publication of agreements and reasons, meaningful consultation with affected victims and survivors where identifiable, enforceable remediation commitments, ongoing compliance monitoring, and appropriate compensation or other forms of redress for those harmed. DPAs should operate as a complement to, rather than a substitute for, effective enforcement and corporate accountability.

6.2. Question 5 – Civil Remedies

Existing civil remedies provide some avenues for redress, but in practice many victims and survivors continue to face significant procedural, financial and evidentiary barriers when seeking compensation. Consideration should therefore be given to introducing a targeted civil remedy to operate alongside the proposed failure to prevent offence. Such a remedy could include standing for victims and survivors, representative or collective actions, enhanced access to disclosure and evidence, compensation orders, injunctions, and court-ordered remediation measures. Civil remedies should operate as a complementary avenue of redress and should

¹² For example, Senate Economics References Committee, Foreign Bribery (Commonwealth of Australia 2018) ch5,

https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Foreignbribery45th/Report/c05;
UK Serious Fraud Office, SFO Cooperation Guidance (24 April 2025),
<https://www.gov.uk/government/publications/sfo-corporate-guidance/sfo-corporate-guidance>.

not be contingent on the successful prosecution or establishment of the proposed criminal offence.

Comparative practice demonstrates that access to effective remedies for business-related human rights abuses increasingly involves civil liability mechanisms, including claims connected to failures of due diligence, and such mechanisms may provide compensation, injunctions, restitution and other forms of reparation beyond purely criminal enforcement.¹³

ALHR recognises that, while criminal sanctions are important, access to effective remedy remains a foundational principle of the international business and human rights framework. ALHR therefore recommends **strengthening the civil remedies framework to provide more accessible and effective avenues of redress for victims and survivors**, while reinforcing the preventative objectives of the proposed offence. Any reform should also seek to address the practical barriers that victims and survivors face in accessing compensation and other forms of remedy.

7. Conclusion

The ultimate purpose of the proposed offence should be to reduce the incidence of modern slavery and improve outcomes for affected workers. Accordingly, ALHR recommends that **enforcement, guidance and compliance expectations should encourage meaningful prevention, worker-centred remediation, responsible use of corporate leverage and continuous improvement in supply chain practices**, rather than a narrow focus on avoiding liability.

ALHR is happy to provide any further information or clarification in relation to this submission.

If you would like to discuss any aspect of this submission, please email me at:
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Yours faithfully,



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Any information provided in this submission is not intended to constitute legal advice, to be a comprehensive review of all developments in the law and practice, or to cover all aspects of the matters referred to. Readers should take their own legal advice before applying any information provided in this document to specific issues or situations.

¹³ International Law Association (ILA) Committee on Business and Human Rights, *Business and Human Rights: Interim Report on Access to Remedies and Reparations* (82nd ILA Conference, Vienna, August 2026), <https://www.ila-hq.org/en/documents/interim-report-business-and-human-rights-remedies-and-reparations-vienna-2026>.