

## **EXPLANATORY STATEMENT**

### **Issued by the Authority of the Minister for Finance**

*Financial Framework (Supplementary Powers) Act 1997*

*Financial Framework (Supplementary Powers) Amendment  
(Attorney-General's Portfolio Measures No. 3) Regulations 2025*

The *Financial Framework (Supplementary Powers) Act 1997* (the FFSP Act) confers on the Commonwealth, in certain circumstances, powers to make arrangements under which money can be spent; or to make grants of financial assistance; and to form, or otherwise be involved in, companies. The arrangements, grants, programs and companies (or classes of arrangements or grants in relation to which the powers are conferred) are specified in the *Financial Framework (Supplementary Powers) Regulations 1997* (the Principal Regulations). The powers in the FFSP Act to make, vary or administer arrangements or grants may be exercised on behalf of the Commonwealth by Ministers and the accountable authorities of non-corporate Commonwealth entities, as defined under section 12 of the *Public Governance, Performance and Accountability Act 2013*.

The Principal Regulations are exempt from sunseting under section 12 of the *Legislation (Exemptions and Other Matters) Regulation 2015* (item 28A). If the Principal Regulations were subject to the sunseting regime under the *Legislation Act 2003*, this would generate uncertainty about the continuing operation of existing contracts and funding agreements between the Commonwealth and third parties (particularly those extending beyond 10 years), as well as the Commonwealth's legislative authority to continue making, varying or administering arrangements, grants and programs.

Additionally, the Principal Regulations authorise a number of activities that form part of intergovernmental schemes. It would not be appropriate for the Commonwealth to unilaterally sunset an instrument that provides authority for Commonwealth funding for activities that are underpinned by an intergovernmental arrangement. To ensure that the Principal Regulations continue to reflect government priorities and remain up to date, the Principal Regulations are subject to periodic review to identify and repeal items that are redundant or no longer required.

Section 32B of the FFSP Act authorises the Commonwealth to make, vary and administer arrangements and grants specified in the Principal Regulations. Section 32B also authorises the Commonwealth to make, vary and administer arrangements for the purposes of programs specified in the Principal Regulations. Section 32D of the FFSP Act confers powers of delegation on Ministers and the accountable authorities of non-corporate Commonwealth entities, including subsection 32B(1) of the FFSP Act. Schedule 1AA and Schedule 1AB to the Principal Regulations specify the arrangements, grants and programs.

Section 65 of the FFSP Act provides that the Governor-General may make regulations prescribing matters required or permitted by the FFSP Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to the FFSP Act.

The *Financial Framework (Supplementary Powers) Amendment (Attorney-General's Portfolio Measures No. 3) Regulations 2025* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on the Combatting modern slavery program (the program), administered by the Attorney-General's Department.

The program was announced in the 2020-21 Budget to support community-based projects to prevent modern slavery and the implementation of Australia's *National Action Plan to Combat Modern Slavery 2020-25* (2025 National Action Plan). The 2025 National Action Plan provided a strategic framework for the Government's response to modern slavery. Its objective is to actively prevent and combat all forms of modern slavery, wherever it occurs, including by supporting, protecting and empowering victims and survivors. This objective is guided by five national strategic priorities: prevent; disrupt, investigate and prosecute; support and protect; partner; and research.

The 2025 National Action Plan is due to end on 31 December 2025. In the 2025-26 Budget, the Government provided funding of \$1.0 million to extend the program into 2026 to support the continuation of grant activities. The grants will prevent and address the impacts of modern slavery on vulnerable individuals and communities by:

- increasing awareness of modern slavery offences and indicators;
- training vulnerable people and frontline responders (particularly in the law enforcement, health and education sectors) to assist people who are at risk of, or experiencing modern slavery; and
- building engagement with and empowerment of people with lived experience to provide insights to anti-modern slavery strategies.

Details of the Regulations are set out at [Attachment A](#). A Statement of Compatibility with Human Rights is at [Attachment B](#).

The Regulations are a legislative instrument for the purposes of the *Legislation Act 2003*.

The Regulations commence on the day after registration on the Federal Register of Legislation.

### **Consultation**

In accordance with section 17 of the *Legislation Act 2003*, consultation has taken place with the Attorney-General's Department.

**Details of the *Financial Framework (Supplementary Powers) Amendment (Attorney-General's Portfolio Measures No. 3) Regulations 2025***

**Section 1 – Name**

This section provides that the title of the Regulations is the *Financial Framework (Supplementary Powers) Amendment (Attorney-General's Portfolio Measures No. 3) Regulations 2025*.

**Section 2 – Commencement**

This section provides that the Regulations commence on the day after registration on the Federal Register of Legislation.

**Section 3 – Authority**

This section provides that the Regulations are made under the *Financial Framework (Supplementary Powers) Act 1997*.

**Section 4 – Schedules**

This section provides that the *Financial Framework (Supplementary Powers) Regulations 1997* (the Principal Regulations) are amended as set out in the Schedule to the Regulations.

**Schedule 1 – Amendments**

***Financial Framework (Supplementary Powers) Regulations 1997***

The items in Schedule 1 amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on an activity administered by the Attorney-General's Department (the department).

***Amended table item 447 – Combatting modern slavery***

**Item 1 – Part 4 of Schedule 1AB (table item 447, column headed “Program”)**

**Table item 447** in Part 4 of Schedule 1AB establishes legislative authority for government spending on the Combatting modern slavery program (the program).

Item 1 amends table item 447 by omitting “National Action Plan to Combat Modern Slavery” and substituting ‘Combatting modern slavery’ in the column headed “Program”. The amendment reflects a technical change to the program name.

**Item 2 - Part 4 of Schedule 1AB (table item 447, column headed “Objective(s)”)**

Item 2 amends table item 447 by omitting “support the implementation of Australia’s *National Action Plan to Combat Modern Slavery 2020-25* (the *National Action Plan*)” and substituting “combat modern slavery” in the column headed “Objective(s)”. The amendment allows the continuation of funding activities supported by table item 447 beyond Australia’s *National Action Plan to Combat Modern Slavery 2020-25* (2025 National Action Plan), which ends on 31 December 2025.

**Item 3 - Part 4 of Schedule 1AB (table item 447, column headed “Objective(s)”, paragraph (k))**

Item 3 amends table item 447 by omitting “the National Action Plan” and substituting with “Australia’s *National Action Plan to Combat Modern Slavery 2020-25*” in the column headed “objective(s)” at paragraph (k). This is a technical amendment to clarify the monitoring and evaluating activities conducted by the Australian Institute of Criminology that relate specifically to the 2025 National Action Plan.

In the 2020-21 Budget, the Government provided funding of \$10.6 million over five years from 2020-21 for the provision of grants to deliver community-based projects to prevent modern slavery. The funding also supported the implementation of the 2025 National Action Plan.

The 2025 National Action Plan has provided a strategic framework for the Government’s response to modern slavery since 2020. Its objective is to actively prevent and combat all forms of modern slavery, wherever it occurs, including by supporting, protecting and empowering victims and survivors. This objective is guided by five national strategic priorities: prevent; disrupt, investigate and prosecute; support and protect; partner; and research.

Each strategic priority is supported by specific action items that contribute directly to achieving the following key outcomes:

- vulnerable communities and individuals in Australia and in global supply chains are safer and protected from modern slavery crimes;
- justice responses are effective, and perpetrators are held to account;
- the rights of victims and survivors, particularly women and girls, are protected and promoted;
- victims, survivors and their families and communities are supported;
- victims and survivors are empowered to rebuild their lives;
- Australia is an international and regional leader driving collaborative responses to modern slavery, including human trafficking; and
- Australia makes a significant contribution to the understanding of the drivers of modern slavery and effective responses to these crimes.

The program, initially established under table item 447 supported the following five key measures under the 2025 National Action Plan:

- equip Australian businesses to manage supply chain risks;
- deliver multi-year grant funding for projects to combat modern slavery;

- develop and deliver training to domestic and foreign government officials to identify and deter modern slavery;
- increase direct government engagement with modern slavery victims, vulnerable individuals and community groups; and
- establish data collection, monitoring and review mechanisms to support research and evidence-based policy decisions.

The program has provided multi-year grants for civil society, business and academia since 2021-22 to deliver projects that combat modern slavery in Australia, increase the capacity of businesses to respond to modern slavery in global supply chains, and undertake modern slavery research to inform evidence-based policy. The program comprised two multi-year grant opportunities:

- Round one over a two-year period (2021-22 to 2022-23); and
- Round two over a three-year period (2022-23 to 2024-25).

The 2025 National Action Plan is due to end on 31 December 2025, however activities under round two will not be completed by this date. In the 2025-26 Budget, the Government provided additional funding of \$1.0 million and extended the program into 2026 to support the continuation of grant activities.

The extension to the program will enable six grant projects funded under round two to continue to deliver training and support services to vulnerable people and communities at risk of, or in, modern slavery for an additional year, while the Government considers Australia's next strategic response to modern slavery.

The additional funding will also enable organisations to continue current activities including:

- analysis of high-risk sectors and groups;
- holistic outreach efforts and provision of services to communities at risk;
- development of sector-specific resources in community languages;
- building capacity of frontline responders; and
- building lived experience engagement and empowerment.

#### Funding amount and arrangements, merits review and consultation

Funding of \$1.0 million in 2025-26 for the program was included in the 2025-26 Budget under the measure, 'Attorney-General's Portfolio – additional resourcing' to provide grants for community-based projects to prevent modern slavery. Details are set out in *Budget 2025-26, Budget Measures, Budget Paper No. 2* at pages 21-22.

Funding for this item will come from Program 1.6: Criminal Justice, which is part of Outcome 1. Details are set out in the *Portfolio Budget Statements 2025-26, Budget Related Paper No. 1.2, Attorney-General's Portfolio* at page 23.

The grants to combat modern slavery will be administered in accordance with the Commonwealth resource management framework, including the *Public Governance, Performance and Accountability Act 2013* (PGPA Act), the *Public Governance, Performance and Accountability Rule 2014*, and the *Commonwealth Grants Rules and Principles 2024* (CGRPs).

Information about the grants and successful grantees will be made available on the GrantConnect website ([www.grants.gov.au](http://www.grants.gov.au)). The grants will be decided consistently with the 'National Action Plan to Combat Modern Slavery 2020 to 2025 Round 2 - GO6123' grant opportunity guidelines, which are also available on GrantConnect.

Under the *Financial Framework (Supplementary Powers) Delegation 2022* (Delegation Instrument), the Secretary of the department has delegated the power to make decisions about grants to combat modern slavery. The Senior Executive Service Band 1, Modern Slavery and Human Trafficking Branch, will decide which grants are extended. The delegate has the appropriate financial delegation skills, qualifications, experience and understanding of the objectives of the grants to combat modern slavery to make this decision. The delegate will make funding decisions in accordance with the PGPA Act, the Delegation Instrument and the CGRPs.

Independent merits review is not considered suitable for decisions made in connection with the extension of grants to combat modern slavery as these decisions relate to an allocation of finite resources, from which all potential claims of the resource cannot be met. Allowing independent merits review would only promote competition among community groups. No effective remedy could be provided, as a successful application for review by one service provider would require a reduction in funding to other service providers and there would be delays in channelling funds into service provision. It would also mean that an allocation that has already been made to another party would be affected by overturning the original decision.

Additionally, funding is based on budgetary decisions of a policy nature, rather than decisions immediately affecting any particular person's interests. Decisions of this nature are subject to parliamentary scrutiny, and the Minister who makes them will be held politically accountable for any consequences. Decisions by government to allocate funding to programs such as grants to combat modern slavery are therefore not suitable for review. The Administrative Review Council has recognised that it is justifiable to exclude merits review in relation to decisions of this nature (see paragraphs 4.11 to 4.19 of the guide, *What decisions should be subject to merits review?*).

The review and audit process undertaken by the Australian National Audit Office provides a mechanism to review government spending decisions and report any concerns to the Parliament. These requirements and mechanisms help to ensure the proper use of Commonwealth resources and appropriate transparency around decisions relating to making, varying or administering arrangements to spend relevant money.

Further, the right to review under section 75(v) of the Constitution and review under section 39B of the *Judiciary Act 1903* may be available. Persons affected by spending decisions would also have recourse to the Commonwealth Ombudsman where appropriate.

The department has consulted with the Department of Finance, the Department of Social Services and civil society organisations to discuss supporting the continuation of grant activities under the 2025 National Action Plan. Stakeholders supported extending grants-funded community projects to raise awareness of modern slavery, train frontline responders and improve responses for survivors. Extensive consultation was undertaken with community and government entities in the development of the 2025 National Action Plan in late 2019.

The Anti-slavery sector discusses activities under the National Action Plan regularly, including through the National Roundtable on Human Trafficking and Slavery, and continue to support the program's fundamental objective. Therefore, the department has considered it is not necessary to conduct further public consultation on the amendments which retain the same objective.

### Constitutional considerations

Noting that it is not a comprehensive statement of relevant constitutional considerations, the objective of the item references the following powers of the Constitution:

- the communications power (section 51(v));
- the external affairs power (section 51(xxix)); and
- the express incidental power and the executive power (sections 51(xxxix) and 61).

### *Communications power*

Section 51(v) of the Constitution empowers the Parliament to make laws with respect to 'postal, telegraphic, telephonic and other like services'.

The extended program will fund development and delivery of materials that raise awareness of modern slavery, which will be distributed through online platforms. The program will also fund awareness campaigns to educate the public and target particular communities on modern slavery, which will be distributed using telecommunication services such as the internet and television.

### *External affairs power*

Section 51(xxix) of the Constitution empowers the Parliament to make laws with respect to 'external affairs'. The external affairs power support legislation implementing Australia's international obligation under treaties to which it is a party.

Australia has obligations under the:

- *Convention on the Elimination of All Forms of Discrimination against Women* [1983] ATS 9 (CEDAW);
- *Convention on the Rights of the Child* [1991] ATS 4 (CRC);
- *International Convention to Suppress the Slave Trade and Slavery* [1927] ATS 11;
- *International Covenant on Civil and Political Rights* [1980] ATS 23 (ICCPR);
- International Labour Organization's (ILO) *Convention concerning Forced or Compulsory Labour* [1933] ATS 21 (Forced Labour Convention);
- *Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* [2007] ATS 9 (Optional Protocol to the CRC);
- *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention Against Transnational Organized Crime* [2005] ATS 27 (Trafficking Protocol); and
- *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices similar to Slavery* [1958] ATS 3.

Article 6 of the CEDAW requires States Parties to take measures to suppress the exploitation of prostitution of women and trafficking in women.

Article 4 of the CRC requires States Parties to undertake all appropriate legislative, administrative and other measures to implement the CRC rights. Articles 32, 34, 35 and 36 of the CRC, which recognise the right of the child to protection from economic exploitation, hazardous or harmful work, sexual exploitation and abuse and other exploitation prejudicial to the child's welfare, and require States Parties to take measures to prevent the abduction of, sale of or trafficking of children for any purpose whatsoever.

Article 2 of the *International Convention to Suppress the Slave Trade and Slavery* [1927] ATS 11 requires the Parties to undertake the necessary steps to 'prevent and suppress the slave trade', and 'to bring about, progressively and as soon as possible, the complete abolition of slavery in all its forms'.

Article 2(2) requires States Parties to take the necessary steps to adopt such legislative or other measures as may be necessary to give effect to the ICCPR rights. Article 8(1) of the ICCPR provides that no one shall be held in slavery, and that slavery and the slave trade in all their forms shall be prohibited. Article 8(2) provides that no one shall be held in servitude. Article 8(3) provides that no one shall be required to perform forced or compulsory labour.

Article 1(1) of the Forced Labour Convention requires members of the ILO to suppress the use of forced or compulsory labour in all its forms within the shortest possible period.

Article 9(1) of the Optional Protocol to the CRC requires States Parties to adopt, strengthen and implement laws, administrative measures, social policies and programs to prevent the offences of offering, delivering or accepting of a child for sexual exploitation, the transfer of a child's organs, forced child labour or child prostitution.

Article 9(1) of the Trafficking Protocol requires States Parties to establish comprehensive policies, programs and other measures to prevent and combat trafficking in persons and to protect victims of trafficking from re-victimisation. Articles 9(2) and (3) further require States Parties to endeavour to undertake measures such as research, information and mass media campaigns and social and economic initiatives to prevent and combat trafficking in persons, including cooperation with non-governmental organisations and other elements of civil society.

Article 1 of the *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* [1958] ATS 3 requires States Parties to take all practicable and necessary measures to bring about progressively and as soon as possible the abolition or abandonment of debt bondage, serfdom, forced marriage or the exploitation of children.

Six projects funded through grants under round two of the 2025 National Action Plan will be extended to continue to deliver community measures to prevent and deter modern slavery in all its forms, and provide support and protection to victims. Specifically, these measures will:

- increase government engagement with people with lived experience of modern slavery victims to influence government policies and programs to address modern slavery;
- provide early intervention and support to people in or at risk of modern slavery and intersecting forms of gendered violence (e.g. forced marriage);

- enhance the evidence base around vulnerable cohorts and new and emerging forms of modern slavery and data collection, monitoring and review capabilities to support research and evidence-based policy decisions and strong law enforcement outcomes;
- develop new online resources in community languages to increase understanding of the forms of human exploitation (including in regional and remote communities) and accessible referral pathways, and deliver national awareness raising campaigns; and
- formulate and deliver training to frontline responders and pre-service students (medicine, nursing, midwifery, health, education, social work, psychology, law, and criminal justice) to identify and respond to modern slavery.

These initiatives will promote awareness of modern slavery crimes, enhance identification of instances of modern slavery and support cohorts in or at risk of modern slavery, and promote an effective response to modern slavery that responds to changing trends.

The external affairs power also supports legislation with respect to matters or things outside the geographical limits of Australia and legislation with respect to matters concerning Australia's relations with other nations.

Australia may draw upon learnings, insights and expertise from the funded projects to deliver training and technical assistance to partner governments in the Indo-Pacific, to build their capability to understand and respond to drivers and new and emerging forms of modern slavery and engage effectively with people with lived experience, including through the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crime which Australia co-chairs with Indonesia. The project funding would thus strengthen Australia's bilateral and multilateral cooperation, particularly in its role as co-convenor of the *Bali Process Working Group on Trafficking in Persons*.

#### *Executive power and express incidental power*

The express incidental power in section 51(xxxix) of the Constitution empowers the Parliament to make laws with respect to matters incidental to the execution of any power vested in the Parliament, the executive or the courts by the Constitution. The executive power in section 61 of the Constitution the executive and maintenance of the Constitution, and laws of the Commonwealth.

The extension of six projects funded through grants under round two of the 2025 National Action Plan until 30 June 2026 will deliver targeted training to frontline officials on identifying and referring modern slavery cases and responding to new modern slavery trends. This will support implementation of the human trafficking, slavery, and slavery-like offences in Divisions 270 and 271 of the Criminal Code and law enforcement and criminal justice outcomes. Funding to support early identification, support and engagement with people in or at risk of modern slavery or with lived experience will also raise awareness and prosecution of Commonwealth offences, thus improving deterrence and protecting supporting vulnerable cohorts.

## **Statement of Compatibility with Human Rights**

Prepared in accordance with Part 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*

### ***Financial Framework (Supplementary Powers) Amendment (Attorney-General's Portfolio Measures No. 3) Regulations 2025***

This disallowable legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the legislative instrument**

Section 32B of the *Financial Framework (Supplementary Powers) Act 1997* (the FFSP Act) authorises the Commonwealth to make, vary and administer arrangements and grants specified in the *Financial Framework (Supplementary Powers) Regulations 1997* (the Principal Regulations) and to make, vary and administer arrangements and grants for the purposes of programs specified in the Regulations. Schedule 1AA and Schedule 1AB to the Principal Regulations specify the arrangements, grants and programs. The powers in the FFSP Act to make, vary or administer arrangements or grants may be exercised on behalf of the Commonwealth by Ministers and the accountable authorities of non-corporate Commonwealth entities, as defined under section 12 of the *Public Governance, Performance and Accountability Act 2013*.

The *Financial Framework (Supplementary Powers) Amendment (Attorney-General's Portfolio Measures No. 3) Regulations 2025* (the Regulations) amend Schedule 1AB to the Principal Regulations to establish legislative authority for government spending on the Combatting modern slavery program (the program). The program is administered by the Attorney-General's Department.

The program was announced in the 2020-21 Budget to support community-based projects to prevent modern slavery and the implementation of Australia's *National Action Plan to Combat Modern Slavery 2020-25* (2025 National Action Plan). The 2025 National Action Plan provided the strategic framework for the Government's response to modern slavery. Its objective is to actively prevent and combat all forms of modern slavery, wherever it occurs, including by supporting, protecting and empowering victims and survivors.

The 2025 National Action Plan is due to end on 31 December 2025. In the 2025-26 Budget, the Government provided funding of \$1.0 million to extend the program into 2026 to support the continuation of grant activities. The grants will prevent and address the impacts of modern slavery on vulnerable individuals and communities by:

- increasing awareness of modern slavery offences and indicators;
- training vulnerable people and frontline responders (particularly in the law enforcement, health and education sectors) to assist people who are at risk of, or experiencing modern slavery; and
- building engagement with and empowerment of people with lived experience to provide insights to anti-modern slavery strategies.

## Human rights implications

This disallowable legislative instrument engages the following rights:

- the right to freedom from slavery and forced labour – Article 8 of the *International Covenant on Civil and Political Rights* (ICCPR), read with Article 2;
- the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment – Article 7 of the ICCPR and Articles 13, 14, and 16 of the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT), read with Article 2;
- the right to freedom of movement – Articles 12 and 13 of the ICCPR;
- the right to privacy – Article 17 of the ICCPR;
- the rights of persons, including women, children and persons with disabilities, to protection from exploitation, violence and abuse, covering:
  - the right of the child to protection from exploitation, hazardous or harmful work, sexual exploitation and abuse and other exploitation prejudicial to the child’s welfare – Articles 19, 32, 34, 35 and 36 of the *Convention on the Rights of the Child* (CRC), read with Article 4;
  - the right to protection from exploitation, violence and abuse – Article 16 of the *Convention on the Rights of Persons with Disabilities* (CRPD), read with Article 4; and
  - the obligation on States Parties to take measures to suppress all forms of traffic in women and exploitation of prostitution of women – Article 6 of the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), read with Article 2;
- the right to work and rights at work – Articles 6 and 7 of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR), read with Article 2; and
- the right to health – Article 12 of the ICESCR.

### Right to freedom from slavery and forced labour

Article 2(2) of the ICCPR requires States Parties to take the necessary steps to adopt such legislative or other measures as may be necessary to give effect to the ICCPR rights.

Article 8(1) of the ICCPR provides that no one shall be held in slavery, and that slavery and the slave-trade in all their forms shall be prohibited. Article 8(2) provides that no one shall be held in servitude. Article 8(3) provides that no one shall be required to perform forced or compulsory labour.

By strengthening Australia’s response to modern slavery, the extension of grant projects initiated under round two of the 2025 National Action Plan to combat modern slavery engage and protect the right to freedom from slavery in all its forms through a range of training and lived-experience informed initiatives to prevent and deter human trafficking, slavery, and slavery-like practices.

### Right to freedom from torture and other cruel, inhuman or degrading treatment or punishment

Article 7 of the ICCPR provides that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment.

Article 2 of the CAT provides that States Parties shall take effective measures to prevent acts of torture in any territory under their jurisdiction.

Articles 13 and 14 of the CAT provide for remedies for persons subjected to torture and Article 16 of the CAT provides that States Parties shall take effective measures to prevent acts of cruel, inhuman or degrading treatment or punishment in any territory under their jurisdiction.

Combatting modern slavery protects the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment. Modern slavery robs people of their dignity and their liberty and can cause serious physical and psychological harm, and even death. By strengthening Australia's response to modern slavery, the grant projects engage and protect the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment.

#### Right to freedom of movement

Articles 12 and 13 of the ICCPR provide that a person must be able to move freely and choose a place of residence within a country without restrictions. They further specify that States Parties have a duty to ensure that a person's freedom of movement is not unduly restricted by others, including private persons and companies.

Modern slavery can severely limit a person's right to freedom of movement. Exploitative practices can restrict a person's freedom of movement in numerous ways, including through debt bondage, physical restraint and other methods of control and coercion. Projects funded by grants to combat modern slavery engage and promote the right to freedom of movement by strengthening Australia's response to modern slavery. Combatting modern slavery ensures people are not subjected to restraints on their freedom of movement caused by modern slavery conditions.

#### Right to privacy

Article 17(1) of the ICCPR states that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation. The United Nations Human Rights Committee has interpreted the right to privacy as comprising freedom from unwarranted and unreasonable intrusions into activities that society recognises as falling within the sphere of individual autonomy. The right to privacy may be limited where the limitation is lawful and not arbitrary and where it is reasonable, necessary and proportionate to achieving a legitimate objective.

Grant recipients under the program are bound by the *Privacy Act 1988* (Privacy Act) and have declared their ability to comply with the Privacy Act and the Australian Privacy Principles and impose the same privacy obligations on officers, employees, agents and subcontractors that they engage to assist with the activity, in respect of personal information they collect, use, store, or disclose in connection with the activity. Accordingly, grant recipients must not do anything that would breach an Australian Privacy Principle as defined in the Privacy Act.

*Rights of persons, including women, children and persons with disabilities, to protection from exploitation, violence and abuse*

Article 4 of the CRC requires States Parties to undertake all appropriate legislative, administrative and other measures to implement the rights recognised under the CRC.

Article 19(1) of the CRC provides that States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.

Article 32 of the CRC provides that children shall be protected from economic exploitation and from performing hazardous work, or work that is harmful to their health, or physical, mental, spiritual, moral or social development.

Article 34 of the CRC provides that States Parties shall protect the child from all forms of sexual exploitation and sexual abuse.

Article 35 of the CRC provides that States Parties shall take all appropriate measures to prevent the abduction of sale of or traffic in children for any purpose or in any form.

Article 36 of the CRC provides that States Parties shall protect the child against all other forms of exploitation prejudicial to any aspect of the child's welfare.

Article 4 of the CRPD requires States Parties to undertake to ensure and promote the full realisation of all human rights and fundamental freedoms for all persons with disabilities without discrimination of any kind on the basis of disability.

The right to protection from exploitation, violence and abuse is also articulated in Article 16(1) of the CRPD, which specifies that States Parties shall take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects.

Article 2 of the CEDAW requires States Parties to condemn discrimination against women in all its forms and agree to pursue by all appropriate means and without delay a policy of eliminating discrimination against women. This includes taking all appropriate legislative and policy measures to eliminate discrimination against women.

Article 6 of the CEDAW provides that States Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Modern slavery is fundamentally about exploitation. Australia's Commonwealth legislation criminalises the exploitation of individuals, including through offences criminalising trafficking in persons, slavery, servitude, forced labour, debt bondage and forced marriage. Offences involving the exploitation of children are particularly serious and carry maximum penalties of up to 25 years' imprisonment. The nature and extent of modern slavery means that there is high risk that Australian businesses' operations and supply chains may be affected by modern slavery and therefore impinge upon the right to protection from

exploitation, violence and abuse. Projects delivered under these grants engage and promote the right to protection from exploitation, violence and abuse by strengthening Australia's response to modern slavery.

Children and persons with disabilities are uniquely vulnerable to modern slavery crimes, including trafficking in persons, slavery and slavery-like practices. Community-based grants funded under the National Action Plan aim to strengthen Australia's response to these crimes and will help to protect people from being exploited and exposed to violence and abuse through modern slavery. The grants will increase awareness, provide training and educational resources that help vulnerable people (including victims and survivors) and communities to identify, deter, disrupt and respond to modern slavery.

### *Right to work and rights at work*

Article 2 of the ICESCR requires States Parties to undertake steps to implement the rights recognised by ICESCR by all appropriate means, including particularly the adoption of legislative measures.

Article 6 of the ICESCR provides that States Parties will recognise the right to work, which includes the right of everyone to the opportunity to gain their living by work which is freely chosen or accepted, and will take appropriate steps to safeguard this right.

Article 7 of the ICESCR further specifies the right of everyone to the enjoyment of just and favourable conditions of work, including to rest, leisure and reasonable limitation of working hours.

Modern slavery severely curtails a person's right to work and their rights at work by robbing a person of the freedom to freely choose and accept work, and in many cases, severely curtailing the conditions of work, including regarding rest, leisure and reasonable limitations on working hours. The community-based grants under the 2025 National Action Plan engage and promote the right to work and rights at work by strengthening Australia's approach to combating modern slavery in businesses' operations and supply chains, strengthening the ability to identify and deter modern slavery, increasing engagement with victims, vulnerable groups and the community more broadly, and improving data collection, monitoring and review mechanisms to support research and evidence-based policy decisions.

### *Right to health*

Article 12(1) of the ICESCR requires States Parties to recognise the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The United Nations Committee on Economic, Social and Cultural Rights has stated that the right to health includes the right to control one's health and body, including sexual and reproductive freedom, and the right to be free from interference, such as the right to be free from torture. The right to health also includes the right to a system of health protection for people to enjoy the highest attainable level of health.

Modern slavery can severely limit a person's right to health. People that experience modern slavery are commonly subjected to physical or psychological abuse and hazardous working conditions, and the experience of modern slavery can have ongoing repercussions for a person's mental and physical wellbeing. The grant projects engage and promote the right to health by combatting modern slavery and help to ensure that persons are protected from the physical and psychological abuse connected with modern slavery and slavery-like conditions.

### **Conclusion**

This disallowable legislative instrument is compatible with human rights as it promotes the protection of human rights.

**Senator the Hon Katy Gallagher  
Minister for Finance**