

Public version.

Restriction of publication of part claimed for column 2 of the second table in paragraph 2.3, the final sentence in section 4 and Confidential Annexures C and D.

**Application for authorisation under s 88(1) of
the *Competition and Consumer Act 2010* (Cth)**

Lodged by:

Telco Together Foundation

on behalf of itself and its members

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1 Summary

1.1 Background

This application is made by Telco Together Foundation (**TTF**), on behalf of:

- (a) itself and its trustee; and
 - (b) the members of TTF,
- (the **Parties**).

The Australian telecommunications industry represents annual revenues of over \$40 billion, employing more than 70,000 people and providing essential connectivity for almost every business, home and consumer in Australia.

TTF is a registered charity that was launched in July 2012, with the objective of providing a platform to enable the telecommunications industry to make important social contributions. TTF currently has 21 member organisations.

TTF's activities focus on the following two key work streams:

- (a) creating strategic community projects that build on telecommunications technology, reach and resources to support the community; and
- (b) promoting community engagement in the industry by increasing social awareness and creating more opportunities for volunteering, fundraising and workplace giving.

1.2 Modern slavery

The term 'modern slavery' describes situations where offenders use coercion, threats or deception to exploit victims and undermine their freedom. Practices that constitute modern slavery can include human trafficking, slavery, servitude, forced labour, debt bondage, forced marriage, and forms of child labour.¹ Under the International Labour Organisation Convention No. 138, 182 and 190, "child labour" is defined as work that deprives children of their childhood, their potential and their dignity and that harms their physical and mental development. A "child" is defined as anyone under 18 years. The convention sets the minimum age for admission to work at 15 years (13 years for light work), and 18 years for hazardous work.²

While the term "modern slavery" does not include practices like substandard working conditions or underpayment of workers, these practices are also harmful and may be present in some situations of modern slavery.³

The United Nations and Walk Free Foundation estimate there are over 40 million victims of modern slavery around the world. Around 25 million of these victims are in the Asia Pacific region, and 16 million are exploited in the private economy.⁴

Following the introduction of the *Modern Slavery Act* in the United Kingdom in 2015, the Australian Government enacted the *Modern Slavery Act 2018* (Cth) (**Modern Slavery Act**), which came into force on 1 January 2019. The Modern Slavery Act establishes a national

¹ See, e.g. Australian Department of Home affairs, [Modern Slavery](#) (10 August 2020).

² For further information, please visit <https://www.ilo.org/ipec/facts/lang--en/index.htm>

³ Ibid.

⁴ See, e.g., [Global Estimates of Modern Slavery: Forced Labour and Forced Marriage](#) (2017).

reporting requirement for entities that have an annual consolidated revenue of more than \$100 million. Reporting entities must prepare annual Modern Slavery Statements, which must set out:

- (a) the risks of modern slavery practices in the global operations and supply chains of the reporting entity;
- (b) the actions taken by the reporting entity to assess and address those risks, including due diligence and remediation processes; and
- (c) how the reporting entity assesses the effectiveness of such actions.

The Australian Government publishes these Modern Slavery Statements through an online register.

In requiring large organisations to lodge annual statements which explain what businesses are doing to assess and address risks of modern slavery in operations and supply chains, the Modern Slavery Act is designed to (amongst other things) increase business awareness of modern slavery risks and improve transparency across global supply chains.

In addition, the UN Guiding Principles on Business and Human Rights outline that businesses have a responsibility to respect human rights, which includes acting to prevent, mitigate and, where appropriate, remedy modern slavery within operations and supply chains.

1.3 TTF's focus on modern slavery

TTF, as an entity capable of providing a unified platform that brings together 21 of the leading organisations in the Australian telecommunications industry, believes it is well placed to make an important social contribution, by drawing on their core capabilities, strengths and access to technology.

Modern slavery has been identified by TTF's Industry Impact Hub as one of two significant issues confronting the community, along with domestic and family violence. TTF members strongly believe there is no place for modern slavery practices in their day-to-day operations or supply chains, and are committed to taking action to eliminate these practices.

TTF is focusing on modern slavery because the Australian telecommunications industry has extensive and complex supply chains across the country, as well as in the Asia Pacific region, where it is understood that a significant proportion of modern slavery occurs.⁵ The industry's operations and supply chains have a significant environmental, economic and social footprint.

The nature and extent of modern slavery means there is a risk that it may be present in the telecommunications industry's operations and supply chains, such as in the working conditions of some contracted labour or the manufacturing and distribution processes of some products.

For the Australian telecommunications industry, the modern slavery risks in its supply chains will inevitably include suppliers that have operations in jurisdictions with developing economies and less-sophisticated employment laws, including many parts of the Asia Pacific and south-east Asian regions.

The legislative regime established via the Modern Slavery Act has given important statutory recognition to, and raised awareness of, the modern slavery risks facing Australian businesses. However, TTF and its members are firmly of the view that this regime needs to be supplemented by proactive and meaningful engagement with the risks by all business groups.

⁵ See, e.g., [Explanatory Memorandum](#), Modern Slavery Bill 2018, para 4.

1.4 Industry Statement

On 2 December 2020, TTF published a leadership statement on human rights and modern slavery (**Industry Statement**) that has been signed by 6 founding members, being:

- Telstra;
- Optus;
- TPG Telecom (formerly Vodafone Australia);
- Vocus;
- Aussie Broadband; and
- Amaysim.

The intention behind the Industry Statement is for TTF members to share information and work cooperatively to identify and address modern slavery practices in their operations and supply chains.

A copy of the Industry Statement is included at Annexure A. It is anticipated that more TTF members may sign the Industry Statement in due course.

A copy of the media release accompanying the release of the Industry Statement is included at Annexure B of this submission.

Clear public commitment

The publication of the Industry Statement coincided with the United Nation's International Day for the Abolition of Slavery. TTF targeted this date in recognition that was an important symbolic occasion, and with the intention that the release of the Industry Statement would assist in underlining (and publicising) the commitment that TTF and its members want to make in advancing of the cause of addressing and extinguishing modern slavery practices within the industries that support telecommunications in Australia.

1.5 Implementation of TTF's objectives

Governance

TTF's policy initiatives to support the objectives set out in the Industry Statement to combat modern slavery will be conducted principally by each of its members, with overall coordination of the initiatives being guided by the TTF Modern Slavery Roundtable (**Roundtable**).

The Roundtable will be comprised of a representative from TTF and one from each of the founding TTF members that are signatories to the Industry Statement (**Roundtable Members**).

The Roundtable will meet on a quarterly basis to discuss matters relating to modern slavery issues and to coordinate some activities of TTF members, including the information gathering exercise (see below) and any matter that involves any Proposed Conduct.

Beyond the initial information-gathering exercise, it is anticipated that the Roundtable would coordinate any further projects or initiatives (such as a more targeted supplier education campaign) on behalf of TTF and its members in the future.

Information gathering exercise

With the publication of the Industry Statement, in 2021 TTF and its members will move to the next phase of their policy objectives, which will include practical actions such as the use of information gathering measures to better identify and understand the areas of potential modern slavery risk within the telecommunications supply chain.

The goal of the information gathering exercise will be to:

- support the identification of modern slavery risks;
- foster collaborative efforts between suppliers and organisations to address these risks;
- improve transparency; and
- identify areas for further due diligence.

The information gathering exercise will be carried out via a “self-assessment” questionnaire that will be issued by each Roundtable Member to a selected suite of their respective suppliers. The questionnaire, which will be issued confidentially to each supplier, will seek information from every respondent about their approach to modern slavery practices. The questions posed to each supplier will cover areas such as:

- the supplier’s current approach to policies and training on modern slavery risks in its own business;
- the extent of any due diligence a supplier conducts on the upstream supply chains for its core materials;
- whether the supplier has procedures in place to ensure child labour is not being used within its organisation or supply network;
- whether the supplier engages in any practices that could indicate a risk of forced labour, bonded labour or human trafficking;
- the employment conditions (both legal and practical) that the supplier has in place for its employees; and
- what grievance mechanisms, reporting requirements or other measures a supplier has in place for concerns to be addressed.



The suppliers’ responses to each questionnaire will be received by the Roundtable Member that issued the questionnaire to the supplier. To the extent that information from the supplier responses is shared with other Roundtable Members during the initial information gathering exercise, this will only be done:

- (a) on a de-identified basis (i.e. so the identity of the supplier is not disclosed to other Roundtable Members); and
- (b) in accordance with the Competition Protocol that will govern all TTF members’ actions in connection with its modern slavery initiatives (as set out in Annexure E).

Following receipt of the supplier responses, it is anticipated that the Roundtable will meet to discuss the responses before Roundtable Members will individually and unilaterally determine what (if any) further action to take in response to any aspects of concern flowing from the responses.

Focus on constructive engagement

Importantly, as a matter of policy, TTF and its members are seeking to work with their suppliers constructively to build awareness of the risks relating to modern slavery practices and, where applicable, encourage suppliers and other service providers to build in appropriate commercial processes and other measures to counter this risk.

TTF and its members acknowledge that adopting a positive and constructive approach with suppliers is far more likely to be effective in achieving their objectives. In fact, there is a recognition amongst TTF and its members that a decision to act punitively against a supplier (such as via a collective boycott) would carry a significant risk of making any modern slavery issues associated with that supplier much worse, and that such action would amount to punishment for an already affected community.

The Proposed Conduct would be a last resort

Accordingly, although the ability to be able to take collective action is part of the Proposed Conduct, TTF and its members acknowledge and agree that any such conduct:

- (c) may only be implemented in compliance with the Competition Protocol that has been developed to govern the way in which TTF and its members will manage all aspects of the Proposed Conduct (as set out as Annexure E); and
- (d) would only be used sparingly (if ever) as a means of trying to achieve meaningful change for businesses that supply the telecommunications industry in Australia.


A full description of the Proposed Conduct in relation to the Industry Statement is set out in section 3. It will be a condition for each of TTF and any of its members to have executed a form of the Competition Protocol before they may participate in the Proposed Conduct.

1.6 Application for authorisation

The Parties are seeking authorisation under section 88(1) of the *Competition and Consumer Act 2010* (Cth) (**CCA**) to engage in the Proposed Conduct, as described in section 3 of this application.

2 Parties to the Proposed Conduct

2.1 Applicant

Name, address (registered office), telephone number and ACN	Contact person's name, position, telephone number and email address	Short description of business carried out by applicant
Telco Together Foundation (Trustee for the Telco Together Fund: ABN 91 256 972 804)	Warren Sainsbury General Manager 	Registered charity providing a platform for the telecommunications industry to make important social contributions

452 Flinders Street Melbourne VIC 3000 [REDACTED]		
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2.2 Address in Australia for service of documents

Simon Cooke

Partner, King & Wood Mallesons

Level 27, Collins Arch

447 Collins Street, Melbourne VIC 3000

T [REDACTED]

M [REDACTED]

[REDACTED]

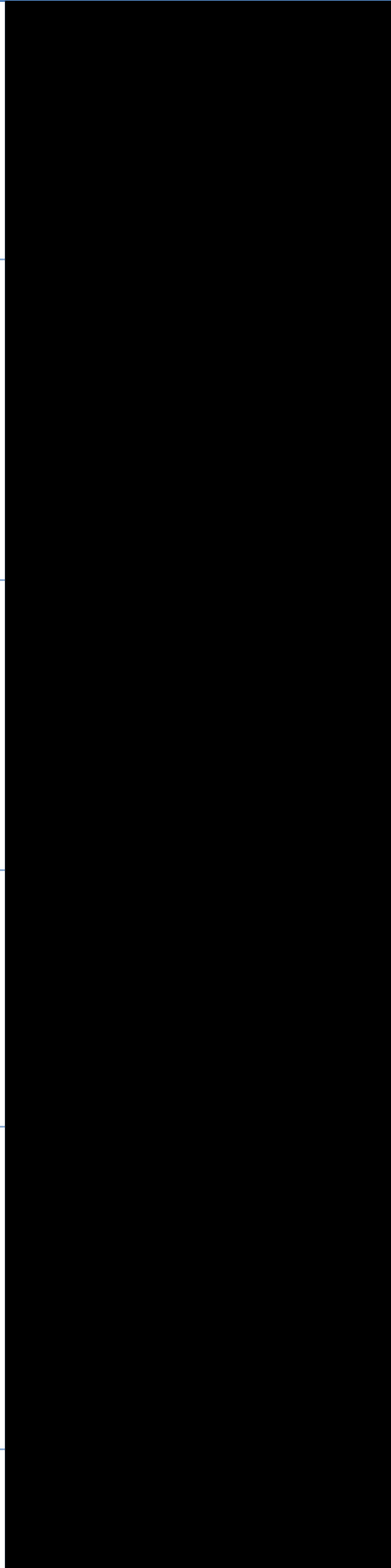
2.3 Other persons who propose to engage (or may engage) in the Proposed Conduct

In addition to TTF, authorisation is sought in respect of the members of TTF, which may change from time to time. The current members of TTF⁶ are as follows:

Name	Name
Telstra Corporation Limited	Globe Telecom
Optus	Ignite Telecom
Vodafone Australia	MATE
Vocus Group	More Telecom
Amaysim	NBN Co
.au Domain Administration	Next Business Telecom
Aussie Broadband	Next Telecom
Axicom	Skybridge
Cisco	Boomerang
Commander	Mint Telecom
Ericsson	MNF Group

⁶ The member list is accurate as at the date of this application. A full list of membership details is available via the following section of TTF's website <https://www.telcotogether.org/about-us/our-members/>

The TTF members that will be the initial signatories to the Industry Statement are as follows:

Name, address (registered office), telephone number and ACN	Contact person's name, position, telephone number and email address	Short description of business carried out by applicant
<p>Telstra Corporation Limited</p> <p>ACN 051 775 556</p> <p>Level 41, 242 Exhibition Street, Melbourne, 3000</p>		Telecommunications provider
Optus		Telecommunications provider
TPG Telecom		Telecommunications provider
Vocus Group		Telecommunications provider
Amaysim		Telecommunications provider
Aussie Broadband		Telecommunications provider

Name, address (registered office), telephone number and ACN	Contact person's name, position, telephone number and email address	Short description of business carried out by applicant

3 Proposed Conduct

3.1 Description of conduct for which authorisation is sought

The Parties seek authorisation to discuss, enter into or give effect to any contract, arrangement or understanding, or engage in any conduct, for the purpose of cooperating to identify and address modern slavery practices in their operations and supply chains, including to:

- (a) share information about modern slavery risks identified in respect of specific suppliers;
- (b) collectively approach suppliers that are suspected of engaging in conduct that involves or supports modern slavery practices, for the purpose of indicating that the TTF members may not acquire goods or services from the supplier if they do not address those concerns; and
- (c) as a last resort measure, decide not to acquire goods or services from a particular supplier or group/class of suppliers, where the supplier has not taken sufficient action to address those concerns.

(the **Proposed Conduct**).

The Proposed Conduct:

- (a) may only be carried out by TTF and its members in accordance with the Competition Protocol (as set out in Annexure E) that has been prepared specifically in order to govern the way in which the Proposed Conduct is undertaken;
- (b) will not involve collective decisions relating to the price at which the Parties acquire or supply goods or services; and
- (c) will not be compulsory for TTF Members, who will each be encouraged to make their own decision as to whether or not to become involved with TTF's efforts.

3.2 Reporting commitments

If the ACCC authorises the Proposed Conduct for the duration of the authorisation, the Parties will commit to:

- (a) providing a report to the ACCC:
 - (i) following each meeting of the Roundtable (in the form of minutes from the Roundtable meeting); and

- (ii) otherwise not less than 10 business days prior to the Parties taking any material actions which involve the Proposed Conduct; and
- (b) providing any information that the ACCC reasonably requests (through a contact person nominated by the Parties) about any proposed or implemented Proposed Conduct.

The Parties acknowledge that authorisation is a public process, and that material submitted by the Parties pursuant to this authorisation (including the reporting contemplated by this section 3.2) shall be required to be placed on the public register. However, the Parties anticipate that some of the materials reported to the ACCC will contain confidential or commercially sensitive information which the Parties may need to request be withheld from the publication, in accordance with the ACCC's usual processes for protecting confidential information.

3.3 Term of authorisation sought

The Parties seek authorisation to engage in the Proposed Conduct for a period of 5 years. This term reflects that the process of eliminating modern slavery practices from supply chains is complex and is not likely to be achieved in one single action. Addressing modern slavery is likely to require continuing efforts over a number of years, as well as ongoing vigilance to ensure that modern slavery practices do not re-enter supply chains.

3.4 Provisions of the CCA which might apply to the Proposed Conduct

TTF members compete in supplying telecommunications goods and services to consumers in Australia. As a result, there may be circumstances where two or more TTF members compete in respect of the acquisition of goods or services from upstream suppliers, for example where those goods or services are essential inputs in the goods or services supplied downstream. Absent the authorisation, the Proposed Conduct may contravene sections 45AF, 45AG, 45AJ, 45AK, and/or 45 of the CCA.

4 Public benefits


The Parties consider that the Proposed Conduct will likely result in the following public benefits:

- (a) **Protecting and promoting human rights:** In passing the Modern Slavery Act, the Australian legislature recognised that modern slavery practices are “major violations of human rights and serious crimes”.⁷ The Proposed Conduct seeks to stamp out the occurrence of modern slavery practices in TTF members' supply chains, and in doing so, seeks to protect workers within the supply chain from human rights violations of this nature.
- (b) **Allowing TTF members to take more effective action to address modern slavery:** The Proposed Conduct directly supports the primary objective of the Modern Slavery Act, which is to “assist the business community in Australia to take proactive and effective actions to address modern slavery”.⁸ Through the Proposed Conduct, TTF members will take proactive steps to identify and address modern slavery in their supply chains. Suppliers are more likely to take action to address modern slavery risks in their own operations and supply chains if the Parties can collectively approach suppliers and jointly indicate that TTF members may not deal with the supplier if they do not take sufficient action to address those risks.

⁷ [Explanatory Memorandum](#), Modern Slavery Bill 2018, para 3.

⁸ [Explanatory Memorandum](#), Modern Slavery Bill 2018, para 2.

- (c) **Efficiencies in sharing information:** The supply chains involved in the telecommunications industry can be complex, and identifying modern slavery risks throughout these supply chains is challenging and resource intensive. Allowing the Parties to share information about modern slavery risks identified in respect of specific suppliers creates efficiencies and cost savings. This in turn will allow TTF members to take more effective and comprehensive action to address modern slavery in their supply chains, in circumstances where some TTF members may otherwise lack the resources to do so.
- (d) **Raising supply chain standards within the Australian telecommunications industry and more generally:** The Proposed Conduct has the potential to reduce the extent to which modern slavery is involved in supply chains to the telecommunications industry, including by setting an example for other telecommunications providers, and by incentivising suppliers to the industry to examine their operations and improve their workplace practices. This may have the flow-on benefit of reducing the incidence of modern slavery practices in operations that are related to the telecommunications industry supply chain.
- (e) **Greater transparency and improved consumer confidence in the telecommunications industry supply chain:** The Proposed Conduct will allow Australian consumers to have greater confidence about the integrity of the TTF members' supply chains. The Proposed Conduct may also enable TTF members to provide more specific information in their annual Modern Slavery Statements about the risks of, and actions taken to address, modern slavery within their supply chains. This, in turn, would mean that consumers may be better informed about the modern slavery risks in telecommunications goods and services in Australia.

In relation to the overall public benefit of the parties' initiatives and the Proposed Conduct, enclosed as **confidential Annexure D** 

5 Public detriments

The Parties submit that the Proposed Conduct is likely to result in minimal, if any, public detriments, having regard to the following:

- (a) The Proposed Conduct relates only to the acquisition of upstream inputs from suppliers and will not reduce any incentives for TTF members to compete vigorously in downstream markets for the supply of telecommunications goods or services to Australian consumers.
- (b) The Proposed Conduct does not extend to any agreements about the price at which the Parties will acquire or sell any goods or services.
- (c) Participation in any Proposed Conduct will be entirely voluntary for TTF members.
- (d) The Competition Protocol in Annexure E will apply to ensure information sharing between the Parties is limited to sharing information that it is reasonably necessary for, and relates to, the Proposed Conduct. The Parties will not, for example, share commercially sensitive information relating to downstream pricing, customers, or operational costs.

6 Interested parties

The Parties have identified the following entities who may be relevant interested parties for the purposes of this application:

Party	Contact details
Australian Communications Consumer Action Network (ACCAN)	(02) 9288 4000 / info@accan.org.au PO Box 639 Broadway NSW 2007
Australian Mobile Telecommunications Association (AMTA)	(02) 8920 3555 / contact@amta.org.au PO Box 115 Dickson ACT 2602
Australian Industry Group (Ai Group)	1300 55 66 77 / info@aigroup.com.au Level 2/441 St Kilda Road Melbourne VIC 3004
UN Global Compact (Australia)	+61 491 234 061 / secretariat@unglobalcompact.org.au 15 Lygon St Carlton VIC 3053
International Labour Organisation (ILO)	+41 (0) 22 799 6111 / ilo@ilo.org 4 Route des Morillons CH-1211 Genève 22 Switzerland
Global Enabling Sustainability Initiative (GeSI)	+32 2 331 15 31 / info@gesi.org Scotland House Rond Point Schuman 6 1040 Brussels Belgium
Australian Border Force, Modern Slavery Business Engagement Unit	slavery.consultations@abf.gov.au GPO Box 241 Melbourne VIC 3001
Walk Free Foundation	+61 8 6460 4949 / info@walkfree.org PO Box 3155, Broadway Nedlands WA 6009
Anti-Slavery Australia	+61 2 9514 9660 / antislavery@uts.edu.au University of Technology Sydney Faculty of Law PO Box 123 Broadway NSW 2007

7 Declaration by applicant(s)

The undersigned declare that, to the best of their knowledge and belief, the information given in response to questions in this form is true, correct and complete, that complete copies of documents required by this form have been supplied, that all estimates are identified as such and are their best estimates of the underlying facts, and that all the opinions expressed are sincere.

The undersigned undertake(s) to advise the ACCC immediately of any material change in circumstances relating to the application.

The undersigned are aware that giving false or misleading information is a serious offence and are aware of the provisions of sections 137.1 and 149.1 of the Criminal Code (Cth).

Signature of authorised person



Name: Warren Sainsbury

Position title: General Manager - Telco Together Foundation

Annexure A Industry Statement

AUSTRALIAN TELECOMMUNICATIONS LEADERSHIP STATEMENT ON HUMAN RIGHTS & MODERN SLAVERY

2nd December 2020

The Australian telecommunications industry represents annual revenues of over \$40 billion, employing more than 70,000 people and providing essential connectivity for almost every business, home and consumer in Australia.

The industry has extensive and complex supply chains across Australia, as well as much of the Asia Pacific region. Its operations and supply chains have a significant environmental, economic and social footprint.

The Telco Together Foundation provides a unified platform, bringing together 21 of the leading organisations in the Australian telecommunications industry, to make an important social contribution, by drawing on their core capabilities, strengths and access to technology.

Members of the Foundation's Industry Impact Hub establish collaborative industry approaches to issues confronting our community. Modern Slavery has been identified by members as one of two initial areas for collective action, with the other being Domestic and Family Violence.

With the increasing focus on doing business responsibly and the introduction of Australia's Modern Slavery Act 2018, larger Telco Together Foundation members are now required to identify, manage and mitigate the risk of modern slavery in their day-to-day operations and extended supply chains.

The term 'modern slavery' refers to any occurrence of debt bondage, deceptive recruiting for labour or services, forced labour, forced marriage, servitude, slavery, trafficking in persons and the worst forms of child labour. The term does not include practices like substandard working conditions or underpayment of workers, but these are also illegal and harmful and may be present in some situations of modern slavery. Such practices may also escalate into modern slavery if not addressed properly.

The United Nations (UN) and Walk Free Foundation estimate there are over 40 million victims of modern slavery around the world; around 25 million of these victims are in the Asia Pacific region, and 16 million are exploited in the private economy. The nature and extent of modern slavery means there is a risk that it is present in the telecommunications industry's operations and supply chains; for example, in the working conditions of some contracted labour or the manufacturing and distribution processes of some products.

With these factors in mind, the undersigned Telco Together Foundation members are united in our belief that there is no place for modern slavery practices in our operations or supply chains. In addition to publishing individual Modern Slavery Statements, and undertaking action across our respective organisations, we are committed to working cooperatively to eliminate these practices where they are identified and to share cases of best practice.



OPTUS

tpg TELECOM

VOCUS

**Aussie
Broadband**

amaysim

Telecommunications Industry Modern Slavery Leadership Principles

We recognise that, in many areas, cooperating around shared principles and examining where we can work together can achieve more than our individual actions.

We commit to upholding the following principles, which draw on best practice standards for business conduct set out in the UN Guiding Principles on Business and Human Rights:

1. We acknowledge and respect human rights in our operations and supply chains, and understand the importance of identifying and addressing human rights impacts.
2. We seek to cooperate across our value chain, in areas where we can add more value than working independently; to identify issues, share insights, and continually learn.
3. We understand the complexity of supply chains and, subject to law, will undertake to share insights, aiming to increase transparency, visibility and facilitate cooperative responses.
4. We acknowledge the risk of modern slavery and harm to people as a key driver for business action, to be considered along with other risks such as financial, market, operational or reputational risk.
5. We recognise the importance of working in partnership with our suppliers to mitigate risks, supporting them in their efforts to address modern slavery in their own supply chains.

We will take a strategic approach, exploring where cooperation will achieve greater impact, and continue to progress year on year.

We invite other telecommunications companies to complement their individual Modern Slavery Statements and human rights strategies by acknowledging this Leadership Statement and adopting the Leadership Principles in their own practices.



Andrew Penn
Chief Executive Officer
Telstra



Kelly Bayer Rosmarin
Chief Executive Officer
Optus



Iñaki Berroeta
CEO & Managing Director
TPG Telecom



Kevin Russell
Group Managing Director & CEO
Vocus Group



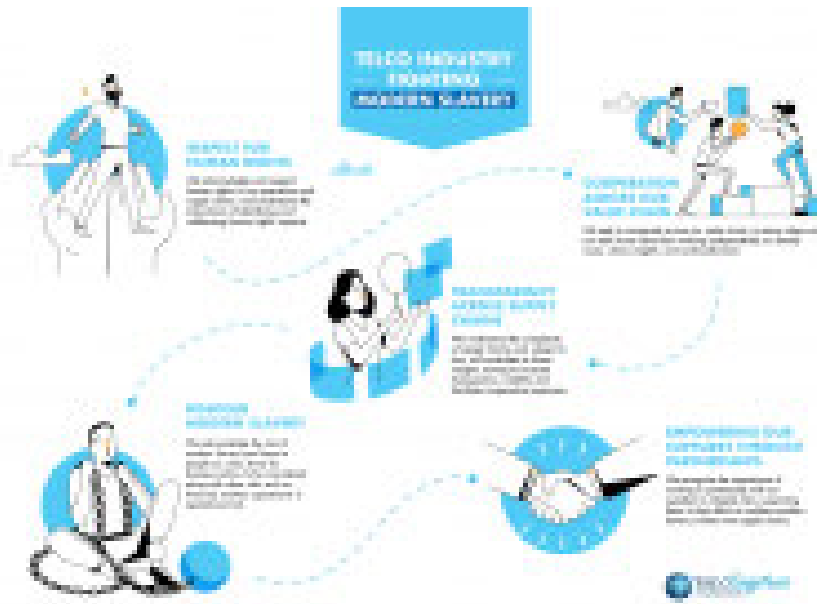
Phillip Britt
Managing Director
Aussie Broadband



Peter O'Connell
CEO & Managing Director
Amaysim



Annexure B Media Release



After working together over the last 12 months, Australia's leading telecommunication organisations including Telstra, Optus, TPG Telecom (formerly Vodafone Australia), Vocus Group, Aussie Broadband and Amaysim came together to release a historic leadership statement.

This statement outlined the proactive approach each organisation is taking to ensure that modern slavery is abolished and human rights throughout the industry are upheld. The term 'modern slavery' refers to any occurrence of debt bondage, deceptive recruiting for labour or services, forced labour, forced marriage, servitude, slavery, trafficking in persons and the worst forms of child labour.

Released on 02 December 2020, commemorating the International Day for the Abolition of Slavery, Telco Together Foundation is proud to be a part of this amazing achievement. This statement is the beginning of an ongoing commitment to lead the Australian telco industry to work collaboratively and eliminate illegal modern slavery practices.

Endorsed by the Minister for Communications, Cyber Safety and the Arts, Paul Fletcher stated how "the statement will send a strong message to the public that the elimination of modern slavery is a priority for the sector".

Minister Fletcher went on to explain, "Telecommunication companies have an important role to play in the efforts to end slavery, given their extensive supply chains. The statement complements the governments work with businesses and civil society to address human trafficking, slavery and slavery like practices".



AUSTRALIAN TELECOMMUNICATIONS LEADERSHIP STATEMENT ON HUMAN RIGHTS & MODERN SLAVERY

2nd December 2020

The Australian telecommunications industry represents annual revenues of over \$40 billion, employing more than 50,000 people and providing essential connectivity for almost every business, home and consumer in Australia.

The industry has extensive and complex supply chains across Australia, as well as much of the rest of the world. Its operations and supply chains have a significant environmental, economic and social footprint.

The Telco Together Foundation provides a unified platform, bringing together 11 of the leading organisations in the Australian telecommunications industry, to make an important social contribution, by drawing on their core capabilities, strengths and access to technology.

Members of the Foundation's industry group have established collaborative industry approaches to issues confronting our community. Modern Slavery has been identified by members as one of the most acute for collective action, with members being Comcast and Family Violence.

With the increasing focus on doing business responsibly and the introduction of Australia's Modern Slavery Act 2018, larger Telco Together Foundation members are now required to identify, manage and mitigate the risk of modern slavery in their day-to-day operations and extended supply chains.

The term modern slavery refers to any occurrence of debt bondage, abduction resulting for labour or services, forced labour, forced marriage, servitude, slavery, trafficking in persons and the worst forms of child labour. The term does not include practices like substandard working conditions or underpayment of workers, but these are also illegal and harmful and may be present in some situations of modern slavery. Such practices may also escalate into modern slavery if not addressed promptly.

The United Nations Global and Walk Free Foundation estimate there are over 45 million victims of modern slavery around the world, around 22 million of these victims are in the Asia Pacific region, and 14 million are exploited in the private economy. The nature and extent of modern slavery means there is a risk that it is present in the telecommunications industry's operations and supply chains, for example, in the working conditions of some contracted labour in the manufacturing and distribution processes of some products.

With these factors in mind, the undersigned Telco Together Foundation members are united in our belief that there is no place for modern slavery practices in our operations or supply chains. In addition to publishing individual Modern Slavery Statements, and undertaking action across our respective organisations, we are committed to working cooperatively to eliminate those practices where they are identified and to share cases of best practice.





Telecommunications Industry Modern Slavery Leadership Principles

We recognise that, in many areas, cooperating around shared principles and measuring where we can work together can achieve more than our individual actions.

We commit to upholding the following principles, which exceed or meet practice standards for business conduct set out in the UN Guiding Principles on Business and Human Rights:

1. We acknowledge and respect human rights in our operations and supply chains, and understand the importance of identifying and addressing human rights impacts.
2. We seek to cooperate across our value chains in areas where we can add more value than working independently, to identify issues, share insights, and collectively learn.
3. We understand the complexity of supply chains and, subject to law, will undertake to share insights, among modern slavery transparency, identity and human resources responses.
4. We acknowledge the risk of modern slavery and harm to people as a key driver for business action, to be considered along with other risks such as financial, market, operational or reputational risk.
5. We recognise the importance of working in partnership with our suppliers, to mitigate risks, supporting them in their efforts to address modern slavery in their own supply chains.

We will take a strategic approach, exploring where cooperation will achieve greater impact, and commit to progress year on year.

We invite other telecommunications companies to complement their individual Modern Slavery Statements and human rights strategies by acknowledging this Leadership Statement and adopting these Leadership Principles in their own practice.

Andrew Penn
Chief Executive Officer
Telstra



Kelly Spear
Chief Executive Officer
Optus



Peter Burrows
CEO & Managing Director
TPG Telecom



Kevin Russell
Group Managing Director & CEO
Vocus Group



Phil Davis
Managing Director
Aussie Broadband



Peter O'Connell
CEO & Managing Director
Amaysim



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Signatories shared their own thoughts on why it was important to commit to a leadership statement on this issue.

“As a founding member of the Telco Together Foundation, Vocus is proud to be part of the industry’s collaborative stance against modern slavery. At Vocus we believe our people are the difference, and we want to ensure that applies to people working for organisations across our supply chains as well.”

– Vocus Group CEO and Group Managing Director, Kevin Russell.

“There has never been a more important time for industry collaboration as companies, supply chains and customers grapple with modern slavery and its appalling, often hidden, impact on people. Aussie Broadband looks forward to seeing what we can achieve together, over and above what we can achieve independently.”

– Aussie Broadband Managing Director, Phil Britt.

“Optus respects the human rights and freedoms of every individual and believes there is no place for modern slavery in our world. It is critical to collaborate as an industry to explore areas to collectively make a positive impact to reduce any risk of modern slavery in our supply chains.”

– Optus CEO, Kelly Bayer Rosmarin.

“A proactive and united effort from Aussie telcos is required to make a real difference to put an end to practices of modern slavery that exist in supply chains globally. The responsibility to eliminate modern slavery resides with businesses and it is up to us to take action to end exploitative practices. It is our firm belief that there is no place for modern slavery in our operations or our supply chains and I am proud to work together with my peers to improve working conditions, both here in Australia and across our deep supply chains around the world.”

– Amaysim CEO and Managing Director, Peter O’Connell.

“It is very concerning to me that any form of modern slavery exists today, including hidden in some supply chains. As individuals, companies, industries and communities, we need to be aware of this reality and actively work to stamp out those practices. By working together as a sector, we can make the biggest possible positive impact.”

– TPG Telecom CEO and Managing Director, Inaki Berroeta.

“There is strength in numbers so we look forward to the Australian telco industry and the Telco Together Foundation achieving more by working together. This builds on Telstra’s Code of Conduct and Human Rights Policy, and our work with the Joint Audit Cooperation, which holds our company, supply chain and those working with us to a high standard to help stamp out this inhumane practice.”

– Telstra CEO, Andrew Penn.

Visit the [Industry Impact Hub](#) to find out more about the individual leadership principles that our founding members have committed to. Telco Together Foundation strongly believes that lasting change will begin with large organisations, like those mentioned above, who will influence others into creating a meaningful difference.

March 3rd, 2021 | [Blog](#), [News](#)

Annexure C Draft self-assessment questionnaire

[Confidential and not for publication]

Annexure D Minister Statement



PAUL FLETCHER MP
Federal Member for Bradfield
Minister for Communications,
Cyber Safety and the Arts

Mr Warren Sainsbury
General Manager
Telco Together Foundation
Level 10, 452 Flinders Street,
Melbourne, Victoria, 3000

Dear Mr Sainsbury

Thank you for your email of 5 November 2020 seeking my endorsement to the Telecommunications Industry Statement of Leadership Principles on Human Rights and Modern Slavery.

I welcome efforts by the telecommunications sector to reduce modern slavery in its supply chains. The Statement will send a strong message to the public that the elimination of modern slavery is a priority for the sector. The extensive and complex nature of telecommunications supply chains across Australia and, in particular, the Asia Pacific region, makes this commitment noteworthy.

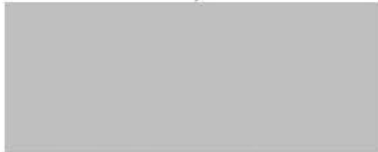
Australia's domestic response to modern slavery reflects a commitment to obligations in international instruments to which we are a party. Australia's legislative framework is the primary mechanism for meeting these obligations. The law criminalises human trafficking, slavery and slavery-like practices including servitude, forced labour, and deceptive recruiting for labour or services in any industry, and exploitation within intimate relationships.

The Government has also implemented the *National Action Plan to Combat Human Trafficking and Slavery 2015-2019*. Under the Plan, the Government works closely with business and civil society to address human trafficking, slavery and slavery-like practices, including in supply chains. The Government has also undertaken public consultation to inform the development of a new *National Action Plan to Combat Modern Slavery 2020-25* which will continue this important work and further the progress which has already been made.

Thank you for reaching out to the Australian Competition and Consumer Commission to ensure that the Statement is consistent with the *Competition and Consumer Act 2010*. The decision to secure the ACCC authorisation prior to publishing seems a prudent step to take.

I would also like to take the opportunity to acknowledge the Foundation's philanthropic work supporting ReachOut, Beacon Foundation and Red Dust, to raise funds to build resilient young Australians.

Yours sincerely



Paul Fletcher

24/11/2020

Annexure E Competition Protocol

[enclosed]

Telco Together Foundation

MS Competition Law Protocol

Arrangements to support human rights and combat modern slavery

1 Introduction

The Telco Together Foundation (**TTF**) is proposing to publish an Industry Statement on human rights and modern slavery to be signed by its members (**the Parties**).

The Parties have sought authorisation from the Australian Competition and Consumer Commission (**ACCC**) under section 88(1) of the *Competition and Consumer Act 2010* (Cth) (**CCA**) to engage in the Proposed Conduct, including sharing information and working cooperatively to identify and address modern slavery risks in their operations and supply chains.

This Protocol seeks to minimise the risk of the Parties engaging in conduct that breaches the CCA when:

- engaging in the Proposed Conduct, which is described in clause 6.1 below; and
- participating in meetings or other activities of the TTF.

2 Preliminary

2.1 Commencement

The Parties acknowledge and agree that no Proposed Conduct described in this Protocol may be undertaken unless, and until, the ACCC authorisation referred to in section 1 of this Protocol has been obtained.

2.2 Agreements and requirements

(a) The Parties agree to comply with each of:

- (i) the CCA;
 - (ii) this Protocol; and
 - (iii) the terms of the ACCC authorisation,
- when engaging in the Proposed Conduct.

(b) Prior to engaging in any Proposed Conduct, each Party must:

- (i) execute a copy of this Protocol; and
- (ii) ensure any representatives that may be engaged in any Proposed Conduct:
 - (A) are briefed on competition law risks associated with the Proposed Conduct;

- (B) are provided with a copy of this Protocol; and
- (C) have executed a copy of the Undertaking set out in **Schedule 1** to this Protocol,

before they attend any meeting or activity that relates to the Proposed Conduct.

3 Competition law obligations

The CCA prohibits anti-competitive conduct, including:

- (a) **Cartel conduct:** arrangements between competitors to:
 - (i) fix prices;
 - (ii) restrict the supply or acquisition of goods or services by parties to the arrangement;
 - (iii) allocate customers or territories; or
 - (iv) rig bids.
- (b) **Concerted practices:** other cooperation between competitors which has the purpose, effect or likely effect of substantially lessening competition, in particular, sharing Competitively Sensitive Information with competitors such as future pricing intentions.
- (c) Any **contract, arrangement or understanding** which has the purpose, effect or likely effect of substantially lessening competition.
- (d) Any **conduct by a company with market power** which has the purpose, effect or likely effect of substantially lessening competition.
- (e) **Collective boycotts:** where a group of competitors agree not to acquire goods or services from, or not to supply goods or services to, a business with whom the group is negotiating, unless the business accepts the terms and conditions offered by the group.

A contravention of the CCA could result in significant penalties for the Parties and their respective employees. Cartel conduct may also result in criminal sanctions, including jail terms for individuals.

In this Protocol, **Competitively Sensitive Information** means confidential information relating to a Party which if disclosed to a competitor could affect its current or future commercial strategies, such as pricing information, customer terms and conditions, supply terms and conditions, sales, marketing or procurement strategies, product development, margins, costs, capacity or production planning.

4 Guiding Principles

4.1 Permitted activities

The Parties may do the following:

- (a) the Parties **may** discuss industry-wide developments and challenges such as regulatory and government policy changes or international developments, provided that no Competitively Sensitive Information is discussed or shared between the Parties;
- (b) the Parties **may** prepare joint submissions for industry inquiries, market studies or parliamentary committees, provided that no Competitively Sensitive Information is shared between the Parties;
- (c) the Parties **may** commission reports or analysis on matters of importance to the telecommunications industry, provided that no Competitively Sensitive Information is shared between the Parties;
- (d) the Parties **may** consult with government on policies or public concerns relevant to the telecommunications industry; and
- (e) the Parties may engage in the Proposed Conduct, subject to the terms of any ACCC authorisation and this Protocol.

4.2 Restricted conduct

The Parties must not do the following (except where it is reasonably necessary for, or related to, the Proposed Conduct):

- (a) Competitively Sensitive Information **must not** be shared between the Parties;
- (b) the Parties **must not** discuss or agree on:
 - (i) the price or terms of customer contracts;
 - (ii) the customers or geographic areas to be supplied;
 - (iii) suppliers or terms of supply contracts; or
 - (iv) production planning; and
- (c) the Parties **must not** enter into an agreement or arrangement which could have an impact on competition, without first seeking legal advice:
 - (i) except where the agreement or arrangement forms part of the Proposed Conduct; and
 - (ii) subject to ACCC authorisation being obtained for the Proposed Conduct.

5 Compliance procedures for meetings

5.1 At a meeting

Discussions at meetings should be limited to those topics identified in the agenda. If the discussion veers into the “must not do” areas above, the Parties should say that they want the discussion to stop and, if it does not, leave the meeting.

Depending on the nature of the topics that will be discussed at a meeting, a lawyer may attend as an observer.

5.2 After a meeting

Formal minutes of meetings may be taken as appropriate which will be circulated to the Parties for confirmation.

5.3 If the Parties have any concerns

If any of the Parties have any concerns regarding the competition law implications of any issue being discussed at any meeting, the Parties must raise the matter immediately.

6 Proposed Conduct

6.1 Terms of authorisation sought

The Parties have sought authorisation from the ACCC under section 88(1) of the CCA to discuss, enter into or give effect to any contract, arrangement or understanding, or engage in any conduct, for the purpose of cooperating to identify and address modern slavery practices in their operations and supply chains, including to:

- (a) share information about modern slavery risks identified in respect of specific suppliers;
- (b) approach suppliers that are suspected of engaging in conduct that involves or supports modern slavery practices, for the purpose of indicating that Parties may not acquire goods or services from the supplier if they do not address those concerns; and
- (c) as a last resort measure, and subject to the principles in clause 6.4, decide not to acquire goods or services from a particular supplier or group/class of suppliers, where the supplier has not taken sufficient action to address those concerns.

6.2 Guiding principles for the Proposed Conduct

The approach of the Parties when engaging in the Proposed Conduct will be principally based on the goal of constructive collaboration with suppliers in order to build awareness of the risks relating to modern slavery practices and, where applicable, encourage suppliers and other service providers to establish appropriate processes and other measures to counter this risk.

6.3 Information sharing

Information sharing between the Parties as described in clause 6.1(a) above must be limited to information that is reasonably necessary for, and relates to, the Proposed Conduct. For the avoidance of doubt, the Parties must not share confidential and commercially sensitive pricing information, marketing or procurement strategies, product development, margins, costs, capacity or production planning.

6.4 Principles in relation to any supplier boycott

The Parties shall ensure the following principles are observed prior to making any decision not to acquire goods or services from a particular supplier or group/class of suppliers, as described in clause 6.1(c) above (**Supplier Boycott**):

- (a) any form of Supplier Boycott is acknowledged a last resort measure only;
- (b) without limiting clause 6.4(a) a Supplier Boycott would only be a measure to consider:
 - (i) in response to a demonstrated failure by a supplier to address a material concern regarding modern slavery risks; and
 - (ii) where the Parties have raised those concerns with the supplier, and after being given reasonable opportunities to do so, the supplier has failed to address those concerns; and
- (c) in the limited circumstances outlined above, each of the Parties acknowledges and agrees to unilaterally and independently consider and decide whether or not their own business will undertake a Supplier Boycott, and any such decision is entirely voluntary.

Signing page

_____ (Party)

understands, accepts, and agrees to comply with and observe, all of the provisions of this Competition Protocol.

Signature of authorised representative of Party

Name and title of authorised representative of Party

Date

Schedule 1

Competition Protocol Undertaking

I have read, understand and undertake to comply with the Competition Protocol in the course of carrying out any activity that involves Proposed Conduct (as that term is defined in the Competition Protocol).

Dated: _____

Signature: _____

Name: _____

Position: _____

Company: _____