

GRS Resource: Implementation timeline

December 2023

The NSW Anti-slavery Commissioner’s Guidance is considered to be operative (‘take effect’) from 1 January 2024. It will however take time for covered entities to be able to fully conform with the Guidance. Entities are expected to show continuous improvement. In the coming years. The Office of the Anti-slavery Commissioner will support covered entities in developing the capability to effectively implement this Guidance. (See further Part 7 Improve, of the Guidance.)

In the interests of transparency, the Anti-slavery Commissioner has determined that in assessing conformance and considering effectiveness (as they are required to under the Modern Slavery Act 2018 (NSW)), they will adopt the approach to continuous improvement set out in the Figure below.

This includes information on specific reporting milestones and areas in which the Commissioner will focus their own resources in supporting capability development, considering covered entities’ reasonable steps, and ensuring effectiveness. These areas have been identified as areas in which there is both identifiable modern slavery risk for multiple covered entities, and real prospects of identifiable improvement in effective response.

GRS implementation milestones

Date	Milestone
1 January 2024	Guidance takes effect
Contracts pre-dating 1 January 2024	<p>Do contracts need to be renegotiated?</p> <p>There is no general expectation that contracts or agreements pre-dating the Guidance will be re-negotiated.</p> <ul style="list-style-type: none"> • <i>Exceptionally</i>, where modern slavery risks in an ongoing operational activity or procurement are Heightened, in line with Australia’s commitment to the UN Guiding Principles on Business and Human Rights and recent adherence to the OECD Council Recommendation on the Role of Government in Promoting Responsible Business Conduct, covered entities must not only use leverage, but also develop it where they lack it. In some cases, especially where there is a salient risk of ongoing modern slavery in the performance of the contract, this could mean that entities do need to consider exploring contractual adjustments, in order to develop this leverage.

Date	Milestone
	<p>What steps are reasonable where earlier contracts are still on foot?</p> <p>Where a contract pre-dates 1 January 2024 but remains on foot, reasonable steps may be required – for example in relation to contract management. This may necessitate an assessment of the GRS due diligence level associated with a contract already entered into, and still on foot – see Part 4 of the Guidance.</p> <ul style="list-style-type: none"> • Contract management may require using existing forms of leverage, such as contractual obligations to abide by workplace health and safety standards (locked accommodation, excessive working hours, abusive behaviour). Some procurement contracts or agreements may already include references to ISO 45001 Occupational Health and Safety Management Systems, ISO 26000 Social Responsibility, or ISO 20400 Sustainable Procurement. • Ongoing contracts may also activate expectations under this Guidance relating to supplier capability development, grievance mechanisms and remediation. <p>Do entities have to report on activities and procurement prior to 1 January 2024?</p> <p>Many covered entities had obligations to take reasonable steps that commenced on 1 July 2022. They must report on the reasonable steps they have taken since that time. (See Appendix K GRS Annual Reporting Template of the Guidance.) While the Guidance only takes effect from 1 January 2024, it may provide inspiration for reporting on earlier activity. Further clarifications about reporting expectations are set out below, with reference to when reporting takes place.</p>
<p>Reporting between 1 January 2024 and 30 June 2024</p>	<p>Entities reporting in 2024 on activity undertaken from 1 January 2023 to 31 December 2023 need only use the Guidance as inspiration. They are however still expected to report using the provided template and online form. In monitoring this reporting, the Commissioner will take into account that the Guidance was not available until December 2023 and only takes effect on 1 January 2024.</p>

Date	Milestone
1 July 2024	<p>Transactional reporting obligations relating to heightened modern slavery due diligence (HMSDD) procurements commence.</p> <p>Entities should file an online report with the Office of the Anti-slavery Commissioner within 45 days of the entry into force of any contract:</p> <ul style="list-style-type: none"> • arising from a ‘Heightened’ modern slavery due diligence procurement process; and • with a value of AUD \$150,000 (including GST) or more. <p>For more detail see Appendix L Heightened MSDD reporting of the Guidance.</p>
<p>Annual reporting occurring between 1 July 2024 and 31 December 2024</p>	<p>Entities reporting on activity undertaken from 1 July 2023 to 30 June 2024 should endeavour to report against the Guidance for the full year of activities – see Part 6 of the Guidance. These entities may find it necessary to assess the GRS due diligence level associated with transactions that took place before 1 January 2024, in order to meet the annual reporting obligations set out in this Guidance. In monitoring this reporting, the Commissioner will take into account that the Guidance was not available until December 2023 and only takes effect on 1 January 2024.</p> <p>In reviewing this reporting, the Anti-slavery Commissioner will focus in particular on:</p> <ul style="list-style-type: none"> • conformance with Part 1 of the Guidance; • Heightened MSDD contexts; • procurement related to <ul style="list-style-type: none"> - information and communication technologies (ICT) - cleaning services.

Date	Milestone
<p>Annual reporting occurring between 1 January 2025 and 31 December 2025</p>	<p>Guidance in effect. Covered entities expected to make best efforts to conform with all aspects of this Guidance. In reviewing this reporting in 2025, the Anti-slavery Commissioner will pay attention to:</p> <ul style="list-style-type: none"> • Heightened MSDD contexts; • procurement related to <ul style="list-style-type: none"> - information and communication technologies (ICT) - cleaning services - renewable energy and - domestically produced food and agriculture
<p>Annual reporting between 1 January 2026 and 31 December 2026</p>	<p>Guidance in effect. Covered entities expected to make best efforts to conform with the Guidance. In reviewing this reporting in 2026, the Anti-slavery Commissioner will pay attention to:</p> <ul style="list-style-type: none"> • modern slavery risk management in Heightened MSDD contexts; • procurement related to <ul style="list-style-type: none"> - information and communication technologies (ICT) - cleaning services - renewable energy - domestically produced food and agriculture and - construction.