

A large container ship is docked at a port, with several white and red straddle carriers positioned along the quay to handle the cargo. The sky is blue with some white clouds. The overall scene represents the shipping industry.

OVERDUE DILIGENCE

The case for mandatory due diligence
in Australia's *Modern Slavery Act*



Queensland, Australia, May 2025.
Cotton is a high-risk product linked to forms of modern slavery including forced labour. Photo by Lakeview_Images via iStock / Getty Images Plus.

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Cover:
Port Melbourne, Australia, September 2025
Like other G20 countries, Australia is exposed to the risk of modern slavery including through the products it imports. Nearly two-thirds of all forced labour cases are linked to global supply chains, with workers exploited across a wide range of sectors and at every stage of the supply chain.
Photo by Vu Viet Dzung / 500px via Getty Images.

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Denpasar, Indonesia, March 2025.

Workers prepare nets from a longline vessel at the Benoa fishing port. Many fishing operations occur in remote, international waters for months or years at a time, making oversight difficult: fish and seafood are at high-risk of being produced by forced labour. Photo by SONNY TUMBELAKA/AFP via Getty Images.

Executive summary

Across the world, 28 million people are trapped in forced labour.¹ These individuals produce the food we eat, the clothes we wear, and the goods that fill our homes and workplaces.

In Australia, over 40,000 people are estimated to be in modern slavery. Migrant workers working in agriculture, construction, and meat processing are particularly vulnerable. Australia is also impacted by exploitation in global supply chains, with one in five dollars spent on imports to Australia at risk of funding forced labour.²

28 MILLION

ESTIMATED PEOPLE IN FORCED
LABOUR GLOBALLY

41,000

ESTIMATED PEOPLE IN MODERN
SLAVERY IN AUSTRALIA

1 IN 5 DOLLARS

SPENT ON IMPORTS TO AUSTRALIA
AT RISK OF FUNDING FORCED LABOUR

From migrant workers exploited in agriculture to garments sewn in South and East Asia, the risk of modern slavery is woven into Australia's everyday economy.

Australia's *Modern Slavery Act 2018* (Cth) ('*Modern Slavery Act*') was a landmark reform. It was one of the first laws of its kind globally and drove transparency by compelling large companies to examine and report on their exposure to modern slavery.

But evidence shows that reporting alone is not enough:

- Modern slavery remains embedded in global supply chains.
- Too few companies move beyond disclosure to real action.
- Responsible businesses are disadvantaged by competitors that do nothing.

Meanwhile, Australia's major trading partners (including the European Union, Germany, France, South Korea, Indonesia, and Thailand) are moving towards mandatory human rights due diligence laws that require companies to act on risks, not just report them.

If the Australian law does not evolve, Australia risks becoming a weak link in the global effort to eradicate forced labour, and an outlier among its peers.

Australia must adopt a due diligence obligation now

The Australian government's review of the *Modern Slavery Act* presents a rare opportunity to close this widening gap between Australia's efforts and international best practice.

To remain a leader in the fight against modern slavery, Australia's next step is clear: it must move from transparency to accountability.

Australia can build on existing frameworks to strengthen protections

By embedding a due diligence obligation into the existing *Modern Slavery Act*, the Australian government can ensure that businesses:

- Take reasonable and proportionate steps to identify, prevent, and remedy modern slavery risks.
- Focus attention where it matters most, guided by government-issued high-risk declarations.
- Deliver results that match public expectations and international standards.

Enacting these reforms would put Australia in a position to better protect the 28 million people trapped in forced labour today. It will ensure that companies take reasonable, proportionate action to prevent and remedy harm rather than simply report on its existence. It will secure Australia's reputation as a trusted and ethical trading partner.

Transparency was the start. Accountability is the goal. ACTION IS THE ANSWER.

Trends identified in statements disclosed under Australia's Modern Slavery Act in 2025



Source: Walk Free & WikiRate Beyond Compliance Data Dashboard, Key Findings, Australian Modern Slavery Act, 2025.³



Uluru, Australia, June 2024.
Solar Panels with Kata Tjuta in the background.
Solar panels are one of Australia's imports
which are susceptible to forced labour, with risks
identified throughout the value chain. Photo by
Steve Christo - Corbis/Corbis via Getty Images.

Introduction

Modern slavery is a problem that Australia cannot ignore

Modern slavery affects the clothes Australians wear, the food they consume, and the technologies they use every day.

More than 28 million people worldwide are subjected to forced labour in factories, construction sites, farms, fishing vessels, and private homes. These individuals are in situations of exploitation they cannot refuse or leave because of threats, violence, coercion, deception or abuse of power. Many of these people are part of complex supply chains that extend across borders and into Australia's economy.

Despite growing awareness, global progress to combat modern slavery has stalled. Against this background of weakening political will, the number of people in forced labour increased by 2.7 million people between 2016 and 2021, a rise driven by exploitation within the private economy.⁴

Workers in Australian supply chains are at risk of forced labour

Australia imports over AU\$450 billion in goods each year. Fair Supply estimates nearly AU\$100 billion, or one in five dollars spent on imports is exposed to forced labour risk.⁵

With nearly two-thirds of all forced labour cases linked to global supply chains,⁶ Australian companies sourcing and operating overseas play a critical role in either perpetuating or preventing these abuses. Australia's position as a major G20 economy means it has both the responsibility and capability to drive meaningful change.

Modern slavery also occurs domestically. Workers across Australia are vulnerable to extreme forms of exploitation, particularly migrants and those working in high-risk industries such as agriculture, construction, domestic work, meat processing, cleaning, hospitality, and food services.⁷

The *Modern Slavery Act* was introduced to help protect all vulnerable workers in Australia and overseas. Although in requiring large companies to report publicly on modern slavery risks it has driven awareness and transparency, the current *Modern Slavery Act* has not driven practical efforts that reduce exploitation within supply chains.

Australia's Modern Slavery Act has failed to prevent harm to vulnerable people

- The statutory review of the *Modern Slavery Act* noted a widely held view among respondents that there was "no hard evidence [of]... meaningful change for people living in conditions of modern slavery".⁸
- Many companies treat the law as a tick-box exercise rather than a call to meaningful due diligence.⁹
- Even among Australia's largest companies, few are developing robust responses to modern slavery risk.¹⁰

In short, the *Modern Slavery Act* has led to more reporting, but not enough action.

Australia will be left behind if it does not adopt mandatory due diligence now

Meanwhile, the international landscape is changing fast:

- The European Union *Corporate Sustainability Due Diligence Directive* (CSDDD), and similar laws in Germany, France, and Norway, make due diligence a legal duty.
- In Asia, South Korea, Thailand, and Indonesia are developing due diligence legislation, reflecting the growing consensus that transparency alone cannot protect workers.
- Countries across the Americas, including Colombia, Peru, Brazil, and Chile, have introduced human rights corporate accountability legislation to their parliaments in recent years.

Without enacting a due diligence obligation, Australia risks falling out of step with trading partners and allowing the Australian marketplace to become a dumping ground for products made with exploitation. This can undermine Australian businesses already investing in removing forced labour from their operations.

Inaction will also impact the Australian economy as businesses operating globally will soon need to meet higher standards to access key markets. If Australian businesses are not prepared to meet due diligence obligations, they will be uncompetitive in the global market compared to businesses who already comply with these standards, and this can flow through to negatively impact the domestic economy.



Kolwezi, Democratic Republic Of Congo, May 2025.

Two teenagers work collecting cobalt and copper – essential minerals for renewable energy products – by hand at an artisanal mine site. Widespread experiences of forced labour occur in cobalt mining in the Democratic Republic of the Congo, with abuses including unpaid wages, underpaid wages, exploitative hiring and firing practices, child labour, and discrimination.

Photo by Michel Lunanga/Getty Images.

Understanding due diligence

Human rights due diligence (HRDD) is the global standard for responsible business conduct, as defined by the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises.

At its core, HRDD has four key components:

1. IDENTIFY AND ASSESS RISKS

Businesses map their operations and supply chains to identify where forced labour or exploitation is most likely to occur, focusing on high-risk sectors, products, and regions.

2. PREVENT AND MITIGATE HARM

Once risks are identified, businesses take steps to address them. This could involve improving supplier engagement, revising purchasing practices, and ensuring that workers can raise concerns safely.

3. TRACK EFFECTIVENESS

Businesses measure and monitor the results of their actions. This helps identify what works and where further improvement is needed.

4. REMEDIATE AND REPORT

Where harm has occurred, companies act to provide or enable remedy to affected workers, and report transparently on outcomes and lessons learned.

HRDD is not about perfection, but companies should show continuous improvement in protecting vulnerable workers: identifying risks, taking action to prevent harm, tracking effectiveness, and addressing any adverse impacts that occur.

Enacting a due diligence obligation would require companies to show that they are taking credible, ongoing steps to prevent modern slavery, proportionate to their size, sector, and risk profile.

How Australia should adopt a proportional and practical approach to due diligence

A due diligence obligation would drive consistent action across all entities required to report, support responsible business by levelling the playing field, protect vulnerable workers by ensuring early identification and prevention of exploitation, and strengthen Australia's global reputation as a fair and ethical trading partner.

The due diligence requirement could be embedded directly into the existing *Modern Slavery Act* by:

- Amending the *Modern Slavery Act* to include a clear obligation on entities to take reasonable and proportionate steps to identify, prevent, and remedy modern slavery risks.
- Aligning due diligence and reporting, so that annual statements describe not only risks identified but also the actions taken to address them.
- Introducing government-issued high-risk declarations to guide business action by identifying sectors, products, or regions where enhanced due diligence is likely required.

This approach builds on the strengths of the existing framework rather than replacing it. It gives the *Modern Slavery Act* sharper focus and stronger impact, without creating unnecessary duplication or administrative burden.

By embedding practical due diligence requirements, Australia can ensure that businesses not only meet reporting standards but also drive real change in their operations and supply chains. This will protect workers, promote fair competition, and secure Australia's standing as a leader in responsible business conduct.

The business case for due diligence in Australia



1. Protect workers linked to Australian supply chains

Modern slavery is not a distant issue. It is connected to the everyday goods and services Australians consume.

- 28 million people worldwide are in forced labour and many of these individuals produce the clothes, food, and technology sold in Australian markets.
- High-risk imports to Australia include electronics, apparel, and construction materials. These are all sectors with well-documented cases of exploitation.
- Without due diligence obligations, companies can meet reporting requirements without addressing exploitative business practices, such as unfair purchasing terms or opaque subcontracting.

Embedding due diligence in the *Modern Slavery Act* would close this accountability gap and ensure Australian companies play their part in protecting workers globally.

2. Level the playing field for responsible businesses in Australia

Many Australian companies are already taking meaningful steps to implement due diligence systems. They invest in supplier training, independent audits, and remediation programs. These businesses are doing so not only because it is a moral imperative, but because consumers, investors, and international partners increasingly expect it.

However, without a legal obligation, these leaders are at a competitive disadvantage in the marketplace compared to other companies who do not take action to remove exploitation from their supply chains.

A due diligence obligation would:

- Reward genuine responsible conduct.
- Provide clarity and consistency, reducing confusion about what “good practice” means.
- Ensure fair competition, where all large companies are expected to meet the same standard.

3. Strengthen Australia's global competitiveness

Businesses operating globally will soon need to meet higher standards to access key markets.

If Australian businesses are not prepared to meet due diligence obligations, they will be uncompetitive in the global market compared to businesses who already comply with these standards. This can flow through to negatively impact the domestic economy.

• Export markets:

As due diligence becomes mandatory in key Australian trading markets, companies that cannot demonstrate compliance may find themselves excluded from critical supply chains.

• Investment:

Global investors are increasingly screening portfolios for human rights performance and legal compliance

• Procurement:

Governments and large buyers are beginning to require evidence of due diligence in tendering processes. For example, for England's National Health Service, suppliers must demonstrate the reasonable steps they have taken to mitigate the risk of modern slavery in the supply chain, commensurate with the risk level of the procurement.¹¹

By embedding due diligence into the *Modern Slavery Act*, Australia can ensure that its businesses remain trusted, competitive, and aligned with the ethical expectations of global markets.

EXAMPLES OF GLOBAL INVESTORS SUPPORTING DUE DILIGENCE

- *Churches, Charities and Land Authorities Find it Fix it Prevent it*: 65 investors with GB£15 trillion in assets under management.
- *Rathbones Votes Against Slavery*: 122 investors with GB£9.6 trillion in assets under management.
- *Investors Against Slavery and Trafficking Asia Pacific*: Comprising 51 investors (including UK-based investors) with AU\$12 trillion in assets under management.

4. Build both business resilience and consumer trust

Due diligence strengthens supply chain resilience. By tracing supply chains and understanding working conditions, businesses can spot weaknesses early, and act before they turn into legal, financial or reputational crises. Visibility builds operational resilience: companies that know their risks can respond faster to shocks, maintain stable supply, and protect long-term value.

Consumers, investors and employees are increasingly demanding proof that brands walk their talk. When businesses openly show how they identify and address labour risks, they earn credibility. Transparent due diligence demonstrates integrity and accountability, and can differentiate brands in crowded markets.

5. Align with the global shift toward mandatory action

Globally, governments are recognising that transparency alone does not prevent forced labour. Many are moving toward mandatory human rights and environmental due diligence laws that require companies to take tangible action.

- The European Union's CSDDD will soon require over a thousand companies to identify, prevent, and remedy human rights and environmental harms across their global value chains.
- France's *Duty of Vigilance Law*, Germany's *Supply Chain Act*, and Norway's *Transparency Act* have already created binding due diligence duties for business.
- Across Asia, countries such as Thailand, South Korea, and Indonesia are now developing or piloting their own due diligence laws and frameworks.
- Colombia, Peru, Chile, Brazil, and Mexico have all proposed responsible business conduct laws in recent years.

In this context, Australia's current reporting-only model under the *Modern Slavery Act* is fast becoming an outlier.

Forced labour import and product bans are also a key tool to combat forced labour, with existing or emerging bans in the United States, the European Union, Indonesia and Malaysia amongst others.

If Australia fails to keep pace, our businesses could face increasing reputational and operational risks, and barriers to export markets that require demonstrated due diligence.

Roadmap for implementing a due diligence obligation into the *Modern Slavery Act*

AUSTRALIA ALREADY HAS THE FOUNDATION FOR SUCCESS.

The *Modern Slavery Act* created a reporting framework, a central register, and a culture of transparency across business and government. The next step is to turn transparency into accountability by embedding a due diligence obligation coupled with effective enforcement mechanisms.

Crucially, this can be achieved without creating complex bureaucracy.

Instead, the *Modern Slavery Act* can be strengthened through targeted amendments that clarify the actions businesses must take to address modern slavery risks.

Cairns, Australia, July 2024.

Workers loading freshly harvested mangoes into a truck during harvest season. Holders of working holiday, seasonal worker, international student, skilled temporary work and bridging visas have been subject to serious exploitation in Australia, including in the agricultural industry. Photo by Tom Watson/Moment via Getty Images.

01

Make due diligence the central mechanism to meet *Modern Slavery Act* obligations

The *Modern Slavery Act* should be amended to include a clear, positive obligation for reporting entities to take reasonable and proportionate steps to identify, prevent, mitigate, report, and remedy risks of forced labour in their operations and supply chains.

This would make due diligence the central mechanism through which businesses meet their responsibilities under the *Modern Slavery Act*.

The obligation should be practical and scalable, recognising that different businesses have different capacities and risk profiles:

- Reporting entities would be expected to have formal, documented due diligence systems that are fit for purpose, in line with their scope of operations.
- Their suppliers could meet their obligations through risk mapping, effective engagement with their own suppliers, and remediation processes appropriate to their operations.
- The focus will be to work with suppliers to continuously improve processes, rather than punitive compliance.

There should be clear definitions to promote consistency and comparability between countries on reportable issues.¹²

This approach balances ambition with practicality while ensuring that all reporting entities contribute to meaningful change.

02

Integrate due diligence with existing reporting requirements

The existing annual modern slavery statements would continue but evolve to focus on action and outcomes rather than description alone.

A clear and measurable due diligence obligation should specify quantitative and qualitative metrics that companies can use to assess whether each step has been met, such as incident numbers in addition to how incidents were uncovered and any remediation steps taken.¹³ These should then be reported within companies' annual modern slavery statements.

For example, statements should outline:

- The company's key modern slavery risks;
- The steps taken to identify and prevent those risks;
- How the company tracks effectiveness;
- The number of complaints received;
- The number of incidents identified; and
- How cases of modern slavery or related labour exploitation were addressed.

This framework provides flexibility to companies in how they approach due diligence. It also streamlines compliance, linking the due diligence process directly to existing reporting obligations instead of creating separate processes.



ROADMAP FOR IMPLEMENTING A DUE DILIGENCE OBLIGATION INTO THE MSA

03

Step up and target efforts based on government-issued “high-risk declarations”

High-risk declarations would support entities to undertake enhanced due diligence where there are known, elevated risks.

To ensure efficiency and focus, the government should issue “high-risk declarations” which identify particular sectors, products, or regions where enhanced due diligence is anticipated.

This would:

- Provide clear guidance for business.
- Concentrate resources where the risk, and potential harm, is greatest.
- Ensure consistent standards across industries.

Such declarations should be made following meaningful engagement with civil society, unions, and business, and be updated regularly as risks evolve.

04

Support all Australian businesses to conduct due diligence through guidance and capacity building

Many Australian businesses are still building their understanding of supply chain risks. However, some are eager to meet higher standards of business behaviour, even where they fall outside existing thresholds of the *Modern Slavery Act*.

To encourage this positive shift in business culture, the government should:

- Issue detailed guidance and templates on conducting due diligence.
- Fund sector-specific training programs and industry collaborations.
- Facilitate multi-stakeholder partnerships that share information and best practices.

These measures would reduce the administrative burden that may be a barrier for proactive compliance for many businesses. It will also ensure that the obligation drives improvement, not punishment, and support companies of all sizes to take meaningful action.

05

Strengthen and scale enforcement efforts of the *Modern Slavery Act*

Experience from other jurisdictions shows that due diligence duties are most effective when backed by credible oversight and proportionate enforcement.¹⁴

Possible options include:

- Introducing civil penalties for entities that fail to undertake due diligence or submit accurate statements.
- Empowering the relevant government department to request information or issue compliance notices.
- Allowing public naming of entities that consistently fail to comply.
- Providing detailed guidance and standardised reporting templates that outline minimum standards.
- Ensure explicit penalties are in place and applied effectively in practice.
- Adopt a tiered approach to ensure penalties are proportionate to the scale and severity of the breach.
- Providing mechanisms for entities to be disbarred from public procurement where they have failed to comply with the Act.

Such measures would ensure that businesses that ignore risks do not gain an unfair advantage over those acting responsibly.

06

Educate then enforce

As businesses have more than five years of experience in disclosing their due diligence procedures under the existing Act, a brief transition period is sufficient.

For example:

| STAGE | REFORM TO BE INTRODUCED |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Year 1 | Introduction of guidance, stakeholder consultation, and pilot reporting aligned with the updated due diligence standards. During this period, regulatory responses to non-compliance will focus exclusively on education and capacity building. |
| Year 2 | Legal obligation comes into force; non-compliance will attract further education and warnings. |
| Year 3 | Full activation of compliance monitoring and enforcement mechanisms. |

This incremental approach would allow businesses time to adapt and government to refine guidance based on lessons learned.

07

Periodic review of the *Modern Slavery Act*

The *Modern Slavery Act* currently does not provide for ongoing review. To ensure it remains effective and aligned with evolving business practices and global risks, the Act should be subject to regular, scheduled, time-limited reviews. This will help maintain a best practice framework that adapts to changing conditions while staying focused on its core purpose: protecting vulnerable workers.





Conclusion: Australia's legacy of leadership on tackling modern slavery in question

A strengthened *Modern Slavery Act* is needed for a changing world

When the Australian government passed the *Modern Slavery Act* in 2018, it did so with the conviction that no person should be subjected to forced labour in the production of goods or services consumed in Australia.

While that conviction persists, eight years on, the evidence is clear:

- 28 million people are in forced labour globally.
- Many of the products Australians buy every day are made with exploitation, from phones to solar panels, fashion to construction materials.
- Australia's *Modern Slavery Act* has driven awareness, but not accountability.

Australia has been outpaced by likeminded countries in efforts to combat modern slavery in supply chains, possibly out of a reluctance to create unnecessary red tape to infringe on business activity.

However, a clear and practical due diligence obligation that builds upon the existing framework would not create an undue administrative burden. Rather, it would make the current system work as originally intended, ensuring that transparency drives real change.

The proposed due diligence reforms would build on existing infrastructure, support Australian business competitiveness, and align Australia with global standards of responsible business conduct. Most importantly, it would protect workers from exploitation.

Transparency has exposed the problem, but knowing a problem exists is not enough to eradicate it. The Australian government's review of the *Modern Slavery Act* provides a rare and vital opportunity to take the next step.

Australia was a leader in combating modern slavery through business transparency. Now, it must lead on action.

Anhui Province, China, January 2026.

Workers in the shirt production workshop of a clothing company located in the Economic Development Zone in Fuyang City. Fair Supply identified apparel and clothing as the import sector with the highest proportional spend at-risk of modern slavery, with 89% of Australia's import spend in this sector at risk of funding forced labour. Photo by Costfoto/NurPhoto via Getty Images.



Endnotes

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- 13 As above.
- 14 As above, pp. 6-7.

Fremantle, Australia, November 2025.

Shipping containers and construction cranes at Fremantle Port. Australia is impacted by exploitation in global supply chains, with one in five dollars spent on imports to Australia at risk of funding forced labour. Photo by ANTHONY DICKSON/ AFP via Getty Images.