



**TEU**

**TERTIARY EDUCATION UNION**  
**TE HAUTŪ KAHURANGI**

Submission of  
**Te Hautū Kahurangi | Tertiary Education Union**  
to the  
**Education and Workforce Committee**  
on the  
**Modern Slavery Bill**  
28 May 2026

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## 1. INTRODUCTION

1.1. Te Hautū Kahurangi | Tertiary Education Union (TEU) is the largest union and professional association representing 12,000 academic and general/allied staff in the tertiary education sector (in polytechnics, universities, wānanga, private training establishments, and rural education activities programmes).

1.2. We welcome the opportunity to respond to the Modern Slavery Bill (the Bill).

## 2. TEU POSITION AND SUMMARY OF RECOMMENDATIONS

2.1. TEU supports the Bill's overall purpose of establishing a statutory framework to reduce the risk of modern slavery and increase public awareness of, and support for, its victims. Modern slavery is a serious human rights issue affecting people in Aotearoa New Zealand and globally, and TEU believes that legislative action of this kind is long overdue.

2.2. The tertiary education sector has a particular interest in this legislation: polytechnics, universities, and wānanga are Crown entities that will, in some cases, be subject to the Bill's reporting requirements, and the sector employs and educates significant numbers of international students and migrant workers who can be among those most vulnerable to exploitation.<sup>1</sup>

2.3. Although we support the Bill, it is our view that there a number of ways in which it could be strengthened to better achieve its stated purpose. These are addressed in the sections below, and include:

2.3.1. Lowering the revenue threshold for reporting entities;

2.3.2. Ensuring the Registrar is adequately resourced and empowered;

2.3.3. Strengthening enforcement mechanisms;

2.3.4. Establishing a dedicated Anti-Slavery Commissioner; and

2.3.5. Ensuring that adequate support services are available for victims of modern slavery in Aotearoa New Zealand.

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<sup>1</sup> Stringer, C. (2016). *Worker Exploitation in New Zealand: A Troubling Landscape*. Human Trafficking Research Coalition.

[https://img.scoop.co.nz/media/pdfs/1612/Worker\\_Exploitation\\_in\\_New\\_Zealand\\_Stringer.pdf](https://img.scoop.co.nz/media/pdfs/1612/Worker_Exploitation_in_New_Zealand_Stringer.pdf)

### 3. REPORTING REQUIREMENTS

- 3.1. TEU supports the reporting requirements established by the Bill.
- 3.2. Requiring large entities to identify, assess, and publicly report on modern slavery risks within their operations and supply chains is an important step toward greater transparency and accountability, and toward encouraging the kind of systematic due diligence that is necessary to address modern slavery effectively.
- 3.3. The Bill defines a reporting entity as one with consolidated revenue exceeding \$100 million in a reporting period. We note that tertiary education institutions (TEIs) – including polytechnics, universities, and wānanga – are considered as Crown entities under the definition outlined in section 7(1)(e) of the Crown Entities Act 2004. As such, the reporting requirements and offence and penalty provisions will apply to TEIs with a consolidated revenue exceeding \$100 million. Given TEIs have complex supply chains spanning, among other things, construction, cleaning, catering, IT procurement, and the employment of migrant workers, it is appropriate that they are included within scope of the Bill and its reporting requirements.
- 3.4. However, it is our view that the \$100 million revenue threshold is set too high and should be lowered. At this level, many significant employers with complex supply chains will fall outside of the Bill’s scope.
- 3.5. In 2022, a consultation on modern slavery and worker exploitation led by the Ministry of Business, Innovation, and Employment (MBIE) proposed annual revenue thresholds of \$20 million for “medium” entities and \$50 million for “large” entities.<sup>2</sup> Similarly, a 2023 review of the Australian Modern Slavery Act recommended lowering Australia’s equivalent threshold from AUD\$100 million to AUD\$50 million, based on the view that the original threshold was too restrictive.<sup>3</sup>
- 3.6. We recognise that the Bill provides for the threshold to be adjusted by regulation. However, we think the Bill should go further by including an explicit requirement

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<sup>2</sup> Ministry of Business, Innovation, and Employment. (2022). *Executive summary of consultation on legislation to address modern slavery and worker exploitation: Summary of feedback*. Ministry of Business, Innovation, and Employment. <https://www.mbie.govt.nz/have-your-say/modern-slavery/executive-summary-of-consultation-on-legislation-to-address-modern-slavery-and-worker-exploitation-summary-of-feedback>.

<sup>3</sup> McMillan, J. (2023). *Report of the statutory review of the Modern Slavery Act 2018 (Cth): The first three years*, p.11. Australian Government. <https://www.ag.gov.au/sites/default/files/2023-05/Report%20-%20Statutory%20Review%20of%20the%20Modern%20Slavery%20Act%202018.PDF>.

that the threshold be reviewed and progressively lowered over time (potentially under section 26 – see below).

3.7. Relying solely on ministerial discretion, as per the current provisions of the Bill, provides insufficient certainty that a lowering of the threshold will occur. A clear legislative signal that the threshold will reduce as the requirements continue to embed would give entities time to prepare while ensuring that the reporting obligations are extended to a wider range of entities.

3.8. **We recommend that [1] the initial threshold is lowered from \$100 million to \$50 million, and [2] an explicit requirement is included to ensure the threshold is reviewed and progressively lowered (potentially under section 26 – see below).**

#### 4. THE REGISTRAR

4.1. The Bill establishes a modern slavery statement register and provides for the appointment of a Registrar to maintain it. We support the establishment of the register as an important mechanism for public transparency and accountability. A freely accessible, searchable register of modern slavery statements will enable civil society, researchers, workers, and the public to scrutinise how entities are identifying and responding to modern slavery risks in their operations and supply chains.

4.2. However, the effectiveness of the register will depend entirely on the Registrar being adequately resourced. The functions assigned to the Registrar under section 13 are substantial: facilitating submissions, maintaining and updating the register, issuing compliance guidance, and preparing annual modern slavery reports which collate incidents and risks across all reporting entities. These are not minor administrative tasks. If the Registrar is under-resourced, the register will become a repository of statements that are never meaningfully scrutinised, and the guidance necessary to support genuine compliance will not be produced.

4.3. At present, the Bill is silent on resourcing, leaving this entirely to the discretion of the relevant department. Given that the credibility of the entire reporting regime rests on the Registrar's capacity to function effectively, this is too important to leave unaddressed in the legislation itself.

4.4. **We recommend that the Bill includes an explicit requirement that the Registrar be adequately resourced to carry out its functions effectively.**

4.5. We also note that the functions of the Registrar, as set out in section 13, are limited to facilitation, maintenance, and reporting. The Registrar has no investigative or enforcement powers – the ability to apply for pecuniary penalties

under section 18 rests with the chief executive of the department, not the Registrar.

4.6. We are concerned that this separation creates a gap in the framework's effectiveness. Without some capacity to scrutinise the quality of statements, the register risks being populated with superficial or boilerplate reporting that technically satisfies the requirements but provides little meaningful accountability.

4.7. **We recommend that the Registrar should at minimum be required to assess and scrutinise the adequacy of modern slavery statements and to refer non-compliant or inadequate statements to the chief executive for further action.**

## 5. OFFENCES

5.1. TEU strongly supports the inclusion of offences and penalties in the Bill.

5.2. One of the most significant criticisms of equivalent legislation in Australia has been the absence of enforceable penalties, which has allowed non-compliance to go unchecked and undermined the credibility of the reporting framework.<sup>4</sup> The inclusion of both criminal offences and civil pecuniary penalties in this Bill represents a meaningful improvement on the Australian model and is essential to ensuring that the reporting requirements have real impact.

5.3. Under section 16, a reporting entity that fails to prepare or publish a modern slavery statement, or that knowingly makes a false or misleading statement, commits a criminal offence and is liable on conviction to a fine not exceeding \$200,000. Under section 18, the High Court may, on application by the chief executive of the relevant department, order a reporting entity to pay a civil pecuniary penalty of up to \$600,000.

5.4. We also welcome the director and management liability provision in section 17, which provides that directors or persons involved in the management of a reporting entity may be found guilty of the same offence as the entity if the offending occurred with their authority, permission, or consent, or if they knew or reasonably ought to have known that the offence was being committed and failed to take reasonable steps to prevent it. This provision is important because

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<sup>4</sup> McMillan, J. (2023). *Report of the statutory review of the Modern Slavery Act 2018 (Cth): The first three years*, pp.87-88. Australian Government. <https://www.ag.gov.au/sites/default/files/2023-05/Report%20-%20Statutory%20Review%20of%20the%20Modern%20Slavery%20Act%202018.PDF>.

it ensures that accountability reaches those who are actually responsible for decisions within an organisation, rather than allowing individuals to shelter behind a corporate entity.

- 5.5. TEU further supports the Crown payment prohibition introduced by Part 5 of the Bill, which amends the Public Finance Act 1989 to prevent the Crown from paying money to any entity that has been convicted of an offence or subjected to a pecuniary penalty order under the Bill. This provision gives the enforcement framework significant additional force as the prospect of losing access to public funding, government contracts, and grants is likely to be a more powerful deterrent for many entities than the monetary penalties alone.
- 5.6. Although we support these aspects of the Bill, our previous concern regarding the function of the Registrar also applies here as such penalties will only be effective if non-compliance is identified and acted upon. The chief executive of the department holds the power to apply for pecuniary penalties under section 18, but the Bill provides no mechanism by which the Registrar – who is best placed to identify non-compliance through their management of the register – can formally refer non-compliant entities to the chief executive for action.
- 5.7. **We recommend that a referral mechanism should be included in the Bill, and that the department must be adequately resourced to investigate and pursue enforcement action where warranted.**

## 6. MINISTER'S RESPONSIBILITIES

- 6.1. TEU supports the ministerial responsibilities established by Part 3 of the Bill.
- 6.2. The requirement for the Minister to report annually to the House on progress towards combatting modern slavery is an important accountability mechanism, and the range of information that must be included – referrals, investigations, prosecutions, and support provided to victims – will provide a meaningful picture of how the framework is operating in practice.
- 6.3. We also support the requirement under section 22 for the Minister to publish guidance on how members of the public may report suspected modern slavery incidents, the processes government agencies should follow in response, and the services available to victims.
- 6.4. We further note that section 26(a) requires the Minister to periodically report on whether existing legislation, government policy, and other arrangements ensure that the needs of victims of modern slavery are adequately met.

- 6.5. However, while both provisions reflect a recognition that victim support is a live question requiring ongoing scrutiny, it is our view that they do not go far enough. Guidance describes what services may be available; it does not guarantee that those services exist or are adequately funded. Similarly, a requirement to report on the adequacy of victim support does not require the Minister to act on any gaps identified.
- 6.6. **We recommend that the Bill should be strengthened to require not merely the publication of guidance and periodic reporting, but the actual provision of adequate support services for victims of modern slavery in Aotearoa New Zealand.**
- 6.7. Section 23 provides that the Minister “may” direct the Chief Human Rights Commissioner to designate modern slavery as a priority area for the Human Rights Commission. The discretionary nature of the power – the Minister may, but is not required to, issue such a direction – means there is no guarantee that the Human Rights Commission will ever be formally engaged on this issue.
- 6.8. **We recommend that the Bill should either require the Minister to issue such a direction within a specified timeframe, or alternatively, that a dedicated Anti-Slavery Commissioner be established, as discussed further below.**

## 7. REVIEW OF THE ACT

- 7.1. TEU supports the review provisions in Part 4 of the Bill.
- 7.2. The requirement for the Minister to review the operation and effectiveness of the Act at least once every five years, with the first review to be completed within three years of commencement, provides an important mechanism for assessing and improving the framework over time.
- 7.3. TEU welcomes the requirement that the review process include an opportunity for public consultation, including with appropriate people and organisations, and we expect that this would include unions, civil society organisations, and those with relevant expertise and direct experience of modern slavery.
- 7.4. We also welcome the periodic review provision in section 26, which requires the Minister to report to the House at intervals of no more than three years on the adequacy of support for victims of modern slavery and whether a specialist body – such as an independent Anti-Slavery Commissioner – ought to be established.
- 7.5. However, this provision does not go far enough. Rather than requiring periodic consideration of whether an Anti-Slavery Commissioner should be established,

**we recommend that the Bill provides for the establishment of such a Commissioner as a matter of course.**

7.6. An Anti-Slavery Commissioner for Aotearoa New Zealand would play a vital role in raising the profile of modern slavery, engaging with businesses on compliance, advocating for victims, and monitoring Aotearoa New Zealand's performance against its international obligations – these all being functions that are not currently assigned to any single body under the Bill.

7.7. Furthermore, as currently drafted, section 26 is focused on victim support and the Anti-Slavery Commissioner question and does not address the scope of the reporting framework itself. Including threshold review as a mandatory consideration would strengthen the provision and help ensure the framework keeps pace with best practice.

7.8. In line with our recommendation above pertaining to reporting requirements, **we also recommend that the periodic review under section 26 should explicitly require consideration of whether the revenue threshold for reporting entities should be lowered.**

## **8. CONCLUSION**

8.1. TEU supports the Modern Slavery Bill and urges the Select Committee to recommend that it proceed.

8.2. The Bill establishes an important foundation for addressing modern slavery in Aotearoa New Zealand, and we commend its sponsors for bringing it before Parliament.

8.3. However, as outlined in our submission, it is our view that the Bill should be strengthened in a number of ways: by lowering the revenue threshold for reporting entities, ensuring the Registrar is adequately resourced and empowered, providing for a dedicated Anti-Slavery Commissioner, and ensuring that victims of modern slavery in Aotearoa New Zealand have access to adequate support services.

8.4. We welcome the opportunity to appear before the Select Committee to speak to this submission.

## 9. ABOUT TEU

9.1. The TEU actively acknowledges Te Tiriti o Waitangi as the foundation for the relationship between Māori and the Crown. We recognise the significance of specific reference to Te Tiriti in the Education Act and the emergent discourse resulting from this. We also accept the responsibilities and actions that result from our nation's signing of the UN Declaration on the Rights of Indigenous Peoples.

9.2. The TEU expresses its commitment to Te Tiriti by working to apply the four whāinga (values) from our *Te Koeke Tiriti* framework as a means to advance our TEU Te Tiriti relationship in all our work and decision-making – with members and when engaging on broader issues within the tertiary sector and beyond – such as our response to the *Modern Slavery Bill*:

*Tū kotahi, tū kaha – We are strong and unified; we are committed to actions which will leave no-one behind; we create spaces where all people can fully participate, are fairly represented, and that foster good relationships between people.*

*Ngā piki, ngā heke – We endure through good times and bad; we work to minimise our impact on the environment; we foster ahikā – the interrelationship of people and the land, including supporting tūrangawaewae – a place where each has the right to stand and belong.*

*Awhi atu, awhi mai – We take actions that seek to improve the lives of the most vulnerable; we give and receive, acknowledging that reciprocity is fundamental to strong and equitable relationships; and we work to advance approaches that ensure quality public tertiary education for all.*

*Tātou, tātou e – We reach our goals through our collective strength and shared sense of purpose, which are supported through participatory democratic decision-making processes and structures.*

9.3. Our response to the *Modern Slavery Bill* stems from our commitment to the whāinga expressed above and our wish to see these enacted in the tertiary education sector and in our society and communities.