



Australian Government

The Treasury

Australian National Contact Point
for the OECD Guidelines for Multinational Enterprises

Final Statement

This Specific Instance was submitted in relation to the conduct of a multinational enterprise operating in the scientific services sector in Mali.

Published 11 April 2018

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EXECUTIVE STATEMENT

1. On 13 February 2017, the Australian National Contact Point (AusNCP) received a specific instance regarding the operation of a multinational enterprise in the scientific services sector in Mali.
2. The AusNCP has been unable to identify the multinational enterprise from the information provided. Attempts to identify the company included desk research of publicly available information and searches of Australian business databases. The AusNCP's Oversight Committee, in conjunction with Australia's High Commission in Ghana, also facilitated searches to identify the company with Mali's Investment Promotion Agency.
3. As the identity of the enterprise could not be confirmed, the AusNCP formally closed the specific instance and informed the notifier of the decision on 14 February 2018. No assessment was made with regard to the substance of the complaint. This statement will be made available on the AusNCP website at www.ausncp.gov.au.
4. A schedule of events is included with this statement as an indication of the process undertaken by the AusNCP.

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SCHEDULE OF EVENTS

Specific Instance	Date
<ul style="list-style-type: none">Complaint submitted to the AusNCP.	13 Feb 2017

Initial Assessment	Date
<ul style="list-style-type: none">AusNCP conducted desk research to locate the multinational enterprise.	ongoing
<ul style="list-style-type: none">AusNCP informed Oversight Committee of new specific instance and provided a copy of submission.	30 Mar 2017
<ul style="list-style-type: none">Oversight Committee meeting – AusNCP noted case status.	29 May 2017
<ul style="list-style-type: none">AusNCP sought further information from the notifier.	18 Aug 2017
<ul style="list-style-type: none">Notifier provided further information to the AusNCP.	20 Aug 2017
<ul style="list-style-type: none">AusNCP provided case status update to Oversight Committee via email.	6 Sep 2017
<ul style="list-style-type: none">AusNCP sought help from Oversight Committee representative of Department of Foreign Affairs and Trade to seek assistance from overseas post to identify the enterprise.	10 Nov 2017
<ul style="list-style-type: none">Oversight Committee meeting – AusNCP noted case status.	5 Dec 2017
<ul style="list-style-type: none">Australian High Commission in Accra, Ghana contacted Mali’s Investment Promotion Agency for assistance to identify the enterprise.	Nov 2017 - Jan 2018
<ul style="list-style-type: none">AusNCP was notified that High Commission was unable to identify the enterprise from the information provided.	24 Jan 2018
<ul style="list-style-type: none">AusNCP informed notifier of decision to close specific instance.	14 Feb 2018

Final Statement	Date
<ul style="list-style-type: none">AusNCP provided draft Final Statement to the AusNCP Oversight Committee.	5 Mar 2018
<ul style="list-style-type: none">AusNCP provided Final Statement to the notifier.	4 Apr 2018
<ul style="list-style-type: none">ANCP published the Final Statement on its website.	11 Apr 2018

* Prior to May 2017 another Treasury official held the role of AusNCP.

INSTITUTIONAL ARRANGEMENTS

5. The Australian Government is committed to promoting the use of the OECD Guidelines and implementing them effectively and consistently. Through business cooperation and support, the Guidelines can positively influence business conduct and ultimately economic, environmental and social progress.
6. The OECD Guidelines are not legally binding. They are recommendations on responsible business conduct addressed by governments, including Australia, to multinational enterprises. Importantly, while the Guidelines have been endorsed within the OECD international forum, they are not a substitute for, nor do they override, Australian or international law. They represent standards of behaviour that supplement Australian law and therefore do not create conflicting requirements.
7. Companies operating in Australia and Australian companies operating overseas are expected to act in accordance with the principles set out in the Guidelines and to perform to — at minimum — the standards they recommend.
8. The Guidelines can be seen as:
 - a useful aid to business in developing their own code of conduct (they are not aimed at replacing or preventing companies from developing their own codes);
 - complementary to other business, national and international initiatives on corporate responsibility, including domestic and international law in specific areas such as human rights and bribery; and
 - providing an informal structure for resolving issues that may arise in relation to implementation of the Guidelines in specific instances.

GOVERNANCE

9. Countries adhering to the Guidelines have flexibility in organising their National Contact Points (NCPs) and in seeking the active support of social partners, including the business community, worker organisations, other non-governmental organisations, and other interested parties.
10. Accordingly, the Guidelines stipulate that NCPs:
 - a) will be composed and organised such that they provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government;
 - b) can use different forms of organisation to meet this objective. A NCP can consist of senior representatives from one or more ministries, may be a senior government official or a government office headed by a senior official, be an interagency group, or one that contains independent experts. Representatives of the business community, worker organisations and other non-governmental organisations may also be included; and
 - c) will develop and maintain relations with representatives of the business community, worker organisations and other interested parties that are able to contribute to the effective functioning of the Guidelines.
11. An Oversight Committee oversees the AusNCP in its implementation of the Guidelines, including advising on Specific Instances and broader international issues. Members of the Committee meet formally biannually and out of session as required, working collegiately to support the AusNCP in promoting a sustainable approach to business conduct and engender mutual confidence between multinational enterprises and the communities in which they operate.
12. Ms Victoria Anderson, in her capacity as the Australian National Contact Point, is the current chair of the Oversight Committee. Officials from the Australian Treasury provide secretariat services to the Committee. Members of the Committee include representatives from the Department of Foreign Affairs and Trade; Attorney-General's Department; the Department of Home Affairs (previously Department of Immigration and Border Protection); the Department of Industry, Innovation and Science; the Department of Jobs and Small Business (previously the Department of Employment), Export Finance and Insurance Corporation; and Australian Trade Commission (Austrade). Other Departments, including the Department of Prime Minister and Cabinet, may participate in Committee meetings on an ad-hoc basis when issues of relevance arise. The Oversight Committee may call upon further experts where appropriate.