

Dear Stakeholders

July 2018

Release of updated procedures

I am pleased to release updated specific instance procedures that modernise and clarify the way in which the AusNCP intends to handle cases going forward.

We are indebted to all of you who provided feedback – the written submissions, the conversations and the dedicated band of people who attended our face-to-face consultations in Melbourne on Monday, 4 June 2018. For those interested, written submissions are available at <http://ausncp.gov.au/contactpoint/procedures-consultation/>.

As many of you know, the AusNCP is going through a period of change and renewal. The 2017 Independent Review is currently being considered and we expect to issue a formal response in the coming months. But rather than wait, we wanted to demonstrate and start applying right now our intention to make specific instance handling more accessible, accountable, transparent and visible.

I will not highlight our responses to all of the feedback here, but a couple of key areas in which we have listened to stakeholders include:

- The vast majority of feedback indicated that we should not fundamentally change our **initial assessment criteria** to move away from the OECD commentary. We have taken this on board by keeping the criteria, but better explaining how we will interpret the ‘material and substantiated’ element to ensure it is not an unnecessary blocker to accepting cases.
- There were concerns from many about our proposal to remove an **appeal/review mechanism**, so we have included an internal review process that is more workable in our current structure, noting the AusNCP chairs the Oversight Committee that is currently notionally the reviewing body. An appeal/review capability is something we would expect to revisit and refine further if there are structural changes to the AusNCP as a result of the 2017 review.

There is more to do...

Many of you provided comments that we hope to be able to address through our practical implementation of the guidelines, or that could form a second procedural update that would follow if there are more fundamental changes to the AusNCP structure. The feedback received has provided a valuable information set for us as we continue to improve the case handling function.

We will continue to consult you...

This is not the end of our consultative efforts – if further changes are made to the structure and operations of the AusNCP, we will ensure that any resulting changes to the procedures are subject to a further consultation period.

Thanks again and as always, please get in touch if you have any questions or concerns.

Warm regards

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