Welcome to the MS Word version of this survey. A [digital version](https://consult.treasury.gov.au/market-and-competition-policy-division/9a44c9fe) is available if you prefer an online format. Please complete all sections of the survey below and submit by **30 June 2021** to [Secretariat@AusNCP.gov.au](mailto:Secretariat@AusNCP.gov.au).

Your contact information

*Please note all fields in this section are mandatory.*

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| **First name:** |  |
| **Last name:** |  |
| **Organisation:** |  |
| **Representative group:** | *(if applicable and authorised)* |
| **Position title:** |  |
| **Telephone number and area code:** |  |
| **Email address:** |  |

Check this box if you would like to receive a digital copy of your survey response sent to your email address.

Check this box if you would like to personally participate in the relevant stakeholder group feedback session at the virtual review (to be confirmed).

Check this box if you would like us to subscribe your email address to our website for regular updates.

Please submit an MS Word version of this survey via email to [Secretariat@AusNCP.gov.au](mailto:Secretariat@AusNCP.gov.au).

Confidentiality

By submitting this survey response, you consent to the AusNCP Secretariat collecting, storing and compiling this information to share with the Review Panel. You acknowledge your submission is subject to Australia’s information handling laws and may be used in a public Peer Review Report, but that those comments will not be attributed to specific individuals or organisations. You also acknowledge that a list of session participants and survey respondents will be included in that report.

*If you do not consent, please contact* [*Secretariat@AusNCP.gov.au*](mailto:Secretariat@AusNCP.gov.au) *to discuss your options.*

Background

Adherent governments have to set up a National Contact Point (NCP) tasked with furthering the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries, and providing a mediation and conciliation platform for resolving issues that arise from the alleged non‑observance of the Guidelines[[1]](#footnote-1).

Main functions and activities of NCPs

**Information and promotional activities**

*Information and promotion of the Guidelines, the due diligence guidance and the NCP.*

One of the main functions of NCPs under the Guidelines is to make the Guidelines known and available to stakeholders and to raise awareness of stakeholders about the Guidelines and their implementation by NCPs.

1. What are your views on how the NCP promotes the Guidelines?

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2. What are your views on how the NCP promotes its activities as a non-judicial grievance mechanism?

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3. In particular, what are your views on the communication tools or avenues being used by the NCP (website, brochures, leaflets, participation in public events, etc.)?

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*Promotion of due diligence and sectoral guidance*

NCPs are expected to support the positive contributions that enterprises can make and assist them identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries. In this context, the OECD has developed several guidance tools [[2]](#footnote-2)related to risk-based due diligence.

4. How do you assess the NCP’s role in contributing to sectoral projects and the development of due diligence guidance?

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5. How does the NCP inform and engage stakeholders about ongoing sectoral projects and due diligence guidance?

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6. How does the NCP promote the outcomes of these processes?

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**Implementation in complaints**

According to the Procedural Guidance, NCPs are expected to contribute to the resolution of cases (referred to as “complaints”) relating to non-observance of the OECD Guidelines for Multinational Enterprises by companies in a manner that is *impartial, predictable, equitable and compatible with the principles and standards of the Guidelines*[[3]](#footnote-3).

7. How do you assess the NCP’s performance in handling cases in light of the guiding principles above? Please elaborate and provide suggestions. For example:

1. How does the NCP explain how to bring cases? How does the NCP explain its role in the resolution of cases? How does the NCP explain possible outcomes of cases?
2. How simple and accessible is the procedure to raise a case before the NCP?
3. Do you consider that the NCP handles cases in an efficient and timely manner? Please give examples.
4. Do you believe the NCP acts impartially in the resolution of cases? Please give examples.
5. How does the NCP ensure that parties engage in the process in a fair and equitable manner? In particular, how does the NCP balance the need for transparency with confidentiality of case proceedings and sensitive business information?

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8. If the NCP has received no or very few complaints, what can explain this?

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9. If you have been involved in a complaint, please provide feedback on your experience. Please use the above questions to guide you in providing feedback.

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Institutional arrangements

Under the Decision of the Council on the OECD Guidelines for Multinational Enterprises, governments have flexibility in organising their NCPs, but NCPs are expected to operate in accordance with the following ‘core criteria’: visibility, accessibility, transparency and accountability.

10. Do you have a clear understanding of the structure of the NCP (i.e. how the NCP is organised)? If so, what are the advantages and disadvantages of the NCP’s structure in meeting the core criteria above?

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11. Do you consider that the NCP structure allows it to effectively reach out to and take into account the views of stakeholders?

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12. Do you consider that the current structure is sufficient to avoid potential conflicts of interest in the functioning of the NCP (e.g. between attracting foreign investors, promoting the interest of domestic enterprises abroad versus those of relevant stakeholders, etc., and promoting observance of the Guidelines)?

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13. What are your views on how the NCP reports on its activities? For example, are reports on NCP activities, including on promotional activities and case-handling, easily available to all stakeholders?

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Further comments

14. How do you assess the NCP’s performance in discharging its mandate of promoting the Guidelines and related due diligence guidance and in handling cases?

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15. On measure, how would you assess the NCP against the four core criteria of visibility, accessibility, transparency and accountability?

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16. On measure, how would you assess the NCP’s handling of complaints against the guiding principles of impartiality, predictability, equitability and compatibility with the Guidelines?

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17. In your view, what have been the most significant achievements of the NCP?

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18. In your view, what have been the most significant challenges faced by the NCP?

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19. In your view, how can the NCP improve its performance?

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20. Do you have any further comment?

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Thank you for taking the time to participate in this survey.

1. Please see Part II of the booklet on the Guidelines for key provisions on core criteria and functioning of NCPs [www.oecd.org/daf/inv/mne/48004323.pdf](http://www.oecd.org/daf/inv/mne/48004323.pdf). [↑](#footnote-ref-1)
2. Information on projects related to the promotion of due diligence is available on the OECD website <https://mneguidelines.oecd.org/duediligence/> [↑](#footnote-ref-2)
3. Consideration of a specific instance [complaint] may involve three stages (initial assessment of the merits of a specific instance, the provision of good offices such as mediation or conciliation, and the conclusion of the procedures, including the publication of the main results). As a general principle, NCPs should strive, to the extent possible, to conclude the procedure within 12 months from the receipt of the specific instance with the publication of the results at the end of the procedure. Sensitive business and stakeholder information should be protected. [↑](#footnote-ref-3)