

## NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2018)

This questionnaire is designed to help National Contact Points fulfil their reporting obligations as described in the Procedural Guidance of the OECD Guidelines for Multinational Enterprises. The answers to the questions should reflect the nature and results of the activities of the NCP<sup>1</sup>.

### STRUCTURE

This questionnaire comprises 61 questions and 2 annexes under the following headings:

- A. Contact information
- B. Institutional arrangements
- C. Information and promotion
- D. Specific instances
- E. Peer learning
- F. Policy coherence
- G. Impact and future work

Annex 1: NCP PROMOTIONAL ACTIVITIES

Annex 2: SPECIFIC INSTANCES

### TYPES OF QUESTIONS

#### 1. Yes/No questions

Most questions are Yes/No questions. For each of these questions, please select "Yes" or "No" from the dropdown menu. If a question is not relevant to your NCP, please select N/A (not applicable).

**Example:**

(b) Promotional activities	
23. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes/No

#### 2. Open-ended questions

- a) Under certain Yes/No questions, there are open-ended questions to request more detail. For each open-ended question, an answer box is provided. Please keep responses precise and short.

**Example:**

(a) Location of the NCP	
1. Is the NCP located in a Ministry?	Yes/No
If yes, in which Ministry is the NCP located?	Click here to enter text
If yes, in which department of the Ministry?	Click here to enter text

<sup>1</sup> Page 74 of the Procedural Guidance of the OECD Guidelines for Multinational Enterprises: "Reports should contain information on the nature and results of the activities of the NCP, including implementation activities in specific instances".

- b) "Additional comments" boxes are situated at the end of each section. Please feel free to enter any additional information you would like to share in these boxes.

**Example:**

*Additional comments on **Location of the NCP:***  
Click here to enter text

## TERMS USED IN THE QUESTIONNAIRE

A number of terms are used throughout the questionnaire. Definitions are provided below. Please note that these definitions are exclusively intended to assist in clarifying the terms used in this questionnaire.

- **Advisory body:** Some NCPs have an advisory body which can be consulted by the NCP on a range of activities and issues on which it provides advice. Advisory bodies can include representatives from trade unions, NGOs, business and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances.
- **Dedicated budget:** A budget that is allocated to the NCP on a regular basis (e.g. every year) to carry out its functions and activities.
- **Independent NCP:** An independent NCP is one whose members do not belong to a government administration, although generally an independent NCP will be supported by a secretariat based in a government administration.
- **Oversight body:** Some NCPs have an oversight body, which has a monitoring role, for example on whether the NCP has followed its own rules of procedures. They can include representatives from trade unions, NGOs, business and/or academia, along with representatives of other government ministries or agencies. They do not normally form part of the NCP and do not have decision-making power on accepting or concluding specific instances.
- **Stakeholder meeting:** A stakeholder meeting is a meeting organised by the NCP to meet with stakeholders, including trade unions, NGOs and the business community that are not part of the structure of the NCP (i.e. they are not members of the NCP, nor present on advisory or oversight bodies).

## REPORTING PERIOD

The reporting period for this questionnaire is from 1 January to 31 December 2018.

## SUBMISSION

The questionnaire should be completed by using this word document and sent by email to: [RBC@oecd.org](mailto:RBC@oecd.org) copying [nicolas.hachez@oecd.org](mailto:nicolas.hachez@oecd.org) and [kathryn.dovey@oecd.org](mailto:kathryn.dovey@oecd.org) by **21 January 2019**.

## NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2018)

### A. CONTACT INFORMATION

Please provide the contact information of the person filling in the questionnaire.

Name:	[REDACTED]
Job title:	Secretariat
Email:	<a href="mailto:ancp@treasury.gov.au">ancp@treasury.gov.au</a>
Telephone number:	[REDACTED]

### B. INSTITUTIONAL ARRANGEMENTS

#### (a) Location of the NCP

1. Is the NCP located in a Ministry?	Yes
If yes, in which Ministry is the NCP located?	Department of the Treasury
If yes, in which department of the Ministry?	Foreign Investment Division
2. Is the NCP located in an investment promotion agency?	No
3. Is the NCP an independent NCP?	No
4. Has the NCP been established through a legal, regulatory or administrative instrument (e.g. a decree)?	No
If yes, please provide the name and date of this instrument	Click here to enter text.

*Additional comments on Location of the NCP:*  
Please note structural changes announced in 2018 ([www.ausncp.gov.au](http://www.ausncp.gov.au)) will take effect in 2019.

#### (b) Composition of the NCP

5. Who are the members of the NCP? <i>Please describe the functions of the members of the NCP (e.g. President, Secretariat, Independent expert, etc.). No names are required.</i>	<ul style="list-style-type: none"> <li>* NCP executive officer (decision maker, promotional spokesperson)</li> <li>* Secretariat (governance, administration and specific instance management).</li> <li>* Oversight Committee (advisory committee comprising other Australian government agencies).</li> </ul>	
6. Does the NCP have dedicated full-time staff? <i>"Dedicated full-time staff" means staff working full-time on NCP activities. If yes, please indicate the number.</i>	Yes	1
7. Does the NCP have dedicated part-time staff? <i>"Dedicated part-time staff" means staff dedicating part of their time to NCP activities. If yes, please indicate the number.</i>	Yes	3
8. Have any full-time or part-time staff members joined the NCP during the year? <i>If yes, please indicate how many.</i>	Yes	1
9. Have any full-time or part-time staff members left the NCP during the year? <i>If yes, please indicate how many.</i>	Yes	1

10. Are other Ministries part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, participate in specific instances, etc.)</i>	Yes
If yes, please list the Ministries (e.g. Social Affairs, Labour, Trade, Environment, Foreign Affairs, Justice, Finance, etc.)	Department of the Treasury Department of Foreign Affairs and Trade; Department of Industry, Innovation and Science Department of Employment Australian Trade and Investment Commission Attorney-General's Department Department of Home Affairs Export Finance and Insurance Corporation (Department of the Prime Minister and Cabinet on an adhoc basis).
11. Are social partners and other stakeholders (trade unions, business community, civil society and other non-governmental organisations) part of the institutional arrangements of the NCP? <i>(e.g. represented on advisory or oversight bodies, represented as members of the NCP, making NCP decisions on specific instances)</i>	
NGOs	No
Representatives of the business community	No
Trade unions	No
12. Does the NCP have an advisory body?	No
If yes, please describe its functions	Click here to enter text.
If yes, please list the names of organisations that are represented on the advisory body and the type of organisation, or provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	Click here to enter text.
If yes, please indicate how often the NCP meets with the advisory body	Choose an item.
13. Does the NCP have an oversight body?	Yes
If yes, please describe its functions	Advises the AusNCP on specific instances (sensitivities and oversees procedural matters) and organisational matters. Assists the AusNCP to promote the Guidelines.
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or please provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	Department of the Treasury Department of Foreign Affairs and Trade; Department of Industry, Innovation and Science Department of Employment Australian Trade and Investment Commission Attorney-General's Department Department of Home Affairs Export Finance and Insurance Corporation
If yes, please indicate how often the oversight body meets	Three times a year
14. Does the NCP have a body for both advice and oversight?	Yes
If yes, please describe its functions	See Q.13
If yes, please list the names of organisations that are represented on the oversight body and the type of organisation, or provide a link to the list on the NCP website. <i>(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)</i>	See Q.13
If yes, please indicate how often this body meets	Three times a year

<p><b>Additional comments on Composition of the NCP:</b> Click here to enter text.</p>	
<p><b>(c) Financial resources</b></p>	
15. Did the NCP have a dedicated budget this year?	Yes
16. Did the NCP have a dedicated budget to conduct its promotional activities during the year?	No
If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP?	Yes
17. Did the NCP have a dedicated budget to conduct its activities related to specific instances during the year?	No
If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP?	Yes
18. During the year, was the NCP able to access funds for the following activities:	
Organising promotional events	Yes
Attending NCP meetings at the OECD	Yes
Attending events organised by other NCPs	No
Attending events organised by other stakeholders	Yes
Professional mediator fees or in-house mediator fees	Yes
Fact-finding research into specific instances	No
<p><b>Additional comments on Financial resources:</b> Click here to enter text.</p>	
<p><b>(d) Reporting</b></p>	
19. Does the NCP report to the government on its activities?	Yes
If yes, how often?	Once a year
20. Does the NCP report to parliament on its activities?	Yes
If yes, how often?	N/A
<p><b>Additional comments on Reporting:</b> <b>Information on the AusNCP is provided to Parliamentarians and relevant Minister as required on an ad-hoc basis throughout the year. The AusNCP also features in Treasury's annual report.</b></p>	

**C. INFORMATION AND PROMOTION**

<b>(a) NCP website<sup>2</sup></b>		
21. Was a new NCP website created this year? If yes, please provide the link.	No	Please note that that AusNCP website was significantly refreshed in the first quarter of 2018.
22. Are the following items available on the NCP website:		
<b>Information about the Guidelines and the role of the NCP</b>		
The text of the Guidelines	Yes	
A description of the Guidelines	Yes	
Information on the NCP and its mandate	Yes	
The 2015 NCP Annual Report submitted to the OECD	No	
The NCP's own 2015 Annual Report	No	
<b>Information about specific instances</b>		
Instructions on how to submit a specific instance	Yes	
The NCP's rules of procedures	Yes	
All final statements since 2011	Yes	
<b>Information on promotional activities</b>		
Information on upcoming events promoting the Guidelines	No	
Information on past events promoting the Guidelines	No	
<b>Contact information</b>		
Information on how to make an enquiry to the NCP	Yes	
A phone number to reach the NCP directly	Yes	
An email address to reach the NCP directly	Yes	
<i>Additional comments on NCP website:</i> <b>New submission form to assist notifiers and case tracking tool.</b>		
<b>(b) Promotional activities<sup>3</sup></b>		
23. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? <i>If yes, please provide details in table 1 in Annex 1.</i>	Yes	
24. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? <i>If yes, please provide details in table 2 in Annex 1.</i>	Yes	
25. Did the NCP make use of social media to communicate on NCP promotional activities during the year?	No	
26. Did the NCP hold a stakeholder meeting during the year?	Yes	
27. Did the NCP promote the Guidelines among the business community during the year?	Yes	
28. Did the NCP carry out any training on the Guidelines aimed at businesses during the year?	No	

<sup>2</sup> This includes dedicated NCP webpages as part of the Ministry's website.

<sup>3</sup> Attendance of NCP meetings held at the OECD and other OECD events such as the Global Forum on Responsible Business Conduct are not considered to be promotional activities.



29. Did the NCP promote the Guidelines among NGOs during the year?	Yes
30. Did the NCP promote the Guidelines among trade unions during the year?	Yes
31. Did the NCP promote the Guidelines among government agencies during the year?	Yes
32. Did the NCP promote the Guidelines among embassies abroad during the year?	No
33. Did the NCP promote the Guidelines to investment promotion agencies during the year?	Yes
34. Did the NCP refer to the following sector guidance reports in promotional activities during the year:	
OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas	Yes
OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector	Yes
OECD-FAO Guidance for Responsible Agricultural Supply Chains	No
<i>Additional comments on the section <b>Promotional activities</b>: Click here to enter text.</i>	

<b>D. SPECIFIC INSTANCES</b>	
<b>(a) NCP rules of procedure for handling specific instances</b>	
35. Does the NCP have rules of procedure describing the handling of specific instances?	Yes
36. Are the rules of procedure available online? <i>If yes, please provide link. If no, please attach a copy of the rules of procedure to this questionnaire</i>	Yes <a href="http://ausncp.gov.au/specific-instances/complaints-procedures/">http://ausncp.gov.au/specific-instances/complaints-procedures/</a>
37. Were the NCP's rules of procedure modified this year?	Yes
<i>Additional comments on the section <b>Rules of procedure</b>: Please note that changes to the AusNCP's rules of procedure are expected in 2019 to align procedures with announced institutional changes.</i>	
<b>(b) Specific instance practicalities</b>	
38. Does the NCP confirm receipt of a specific instance submission?	Yes
39. Who has the final sign-off on accepting a specific instance? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	NCP

40. Who has the final sign-off on final statements? <i>Please provide the function of the relevant staff within the NCP. No names are required.</i>	NCP
41. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?	No
42. Has the NCP staff undergone training in dispute resolution or problem-solving (e.g. mediation)?	No
43. Did the NCP engage professional mediators during the year?	Yes
44. Did the NCP staff or members conduct mediation this year?	Yes
<b>Additional comments on the section <i>Specific instance practicalities</i>:</b> Click here to enter text.	
<b>(c) Reporting specific instances</b>	
45. Did the NCP receive new specific instance submissions during the year? <i>If yes, please also provide details in Annex 2</i>	Yes
46. Of the specific instances that were already in progress at the start of the year, are there any that are still ongoing at the end of the calendar year? <i>If yes, please also provide details in Annex 2</i>	Yes
<b>Additional comments on the section <i>Reporting specific instances</i>:</b> Click here to enter text.	

<b>E. PEER LEARNING</b>	
47. Did the NCP take part in the following activities with other NCPs during the year:	
NCP-hosted peer learning activities	Yes
Co-operation with other NCPs in handling specific instances	Yes
Mentoring/capacity building of another NCP	No
48. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2019?	Yes
49. Which topic would the NCP consider to be a priority to cover in a peer learning event?	Workshopping new due diligence guidance
50. Is the NCP interested in participating in developing tools for use by NCPs?	Yes



**Additional comments on the section Peer-learning activities:**  
Click here to enter text.

F. POLICY COHERENCE <sup>4</sup>		
51. Have the Guidelines been referred to in relevant national legislation adopted during the year? <i>(e.g. on responsible business conduct; non-financial reporting, export credits regulation)</i>	No	
If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click here to enter text.	
52. Did the NCP communicate public statements on specific instances to officials responsible for trade missions?	No	
53. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives?	Yes	
54. Did your country adopt a National Action Plan (NAP) this year? <i>If yes, please indicate which type of NAP</i>	No	Choose an item.
If yes, does the NAP make reference to the Guidelines?	Choose an item.	
If yes, does the NAP make reference to the NCP?	Choose an item.	
55. Was a NAP in development this year? <i>If yes, please indicate which NAP.</i>	No	Choose an item.
If yes, did the NCP participate in the development of the National Action Plan?	Choose an item.	
56. Please indicate any other examples of policy coherence activities:	<p>The 2017 AusNCP Independent Review was conducted following a recommendation from the Supply Chains Working Group, an external stakeholder group created by the Australian Government to consider supply chain exploitation.</p> <p>The AusNCP engages on RBC issues regularly, including integration with UN, ILO and VPI initiatives. Domestically, the AusNCP is promoted through Modern Slavery legislative guidance.</p>	
<b>Additional comments on Policy Coherence:</b> <b>The AusNCP Oversight Committee represents all key policy areas of the Australian Government linking issues of responsible business conduct domestically and internationally.</b>		
<b>Public procurement</b>		

<sup>4</sup> Paragraph 37 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises: "Statements and reports on the results of the proceedings made publicly available by the NCPs could be relevant to the administration of government programmes and policies. In order to foster policy coherence, NCPs are encouraged to inform these government agencies of their statements and reports when they are known by the NCP to be relevant to a specific agency's policies and programmes [...]."

57. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments?	No
If yes, please provide a link to the legislation. <i>If a link is not available, please attach a copy of the legislation to this questionnaire.</i>	Click here to enter text.
58. Does your national legislation or policy on public procurement make a link to the NCP process?	No
If yes, did the NCP communicate public statements on specific instances to public procurement officials during the year 2018?	Yes
59. Please provide any other relevant information on how your government is including responsible business conduct considerations into the public procurement process.	Treasury has consulted with the Department of Finance.

<b>G. IMPACT AND FUTURE WORK</b>	
60. Does the NCP have a promotional plan for the coming year (2019)?	Yes
61. Has the NCP faced any particular challenge(s) it would like to highlight this year?	Designing new governance and structural arrangements to modernise the AusNCP.
<i>Additional comments on the section <b>Impact and future work</b>: The AusNCP will undergo significant restructure in 2019 to introduce independence to decision making and external membership to its committee.</i>	

## Annex 1: NCP PROMOTIONAL ACTIVITIES

**Please provide information on the events organised or co-organised by the NCP (Table 1), and events in which the NCP has participated to promote the Guidelines (Table 2).**  
Please select the event type, size and type of audience as well as the theme from the dropdown menus for each event.  
Please add additional lines if needed.

**Table 1**

### NCP-organised and co-organised events to promote the Guidelines and/or the NCP

<b>Title</b>	<b>Date</b> (dd/mm/yyyy)	<b>Location</b>	<b>Type of event</b>	<b>Size of audience</b>	<b>Organised or co-organised?</b>	<b>Targeted audience</b> <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.</i>	<b>Theme</b> <i>e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.</i>
Procedures consultation	05/2018	Melbourne	Meeting and online submissions	10-50	Organised	Business, NGO, Union, Academic, Industry and Legal stakeholders	Effective NCP governance
AHRC/OECD introduction	12/11/2018	Sydney	Meeting	<10	Co-organised	Government and international stakeholders	OECD Guidelines and human rights issues in Australia
Human Rights Leadership Group   In Conversation With Cristina Tebar-Less	14/11/2018	Sydney	Breakfast dialogue	10-50	Co-organised	Business, NGO, Union, Academic, Industry, Legal, International and Government stakeholders	Promoting the NCP networks and OECD Guidelines
OECD/ Government introductions	15/11/2018	Canberra	Multiple meetings	<10 each	Organised	Government and OECD representatives	Policy meetings regarding competition regulation, taxation, consumer protection, corporate standards, financial systems, modern slavery, human rights and responsible business conduct
Restructure consultation	12/2018	Melbourne	Two meetings	<10 each	Organised	NGO, Union, Academic, Industry and Legal stakeholders	Effective NCP governance

**Total number=** 5

**Table 2**

Presentations by the NCP to promote the Guidelines and/or the NCP in events organised by others								
Title	Date (dd/mm/yyyy)	Location	Type of event	Size of audience	Targeted audience <i>e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc</i>	Organiser(s)	Type of intervention	Theme of the intervention
NCP bilateral Australia/ Japan	09/2018	Tokyo	Meeting	<10	NCP regional network	AusNCP	Bilateral meeting	Building stronger regional connections
2018 Australian Dialogue on BHR	13/11/2018	Sydney	Conference	50>100	Business, NGO, Union, Academic, Industry, Legal, International and Government stakeholders	Global Compact Network Australia and the Australian Human Rights Commission	Discussion panel with the AusNCP and OECD	Enabling Access to Effective Remedies: The Role of Non-Judicial Grievance Mechanisms
Voluntary Principles Initiative Australian Working Group (Corporate Pillar)	12/11/2018	Canberra	Meeting	<10	Government and business stakeholders	Australian Department of Foreign Affairs and Trade	Short presentation	NCP function and protecting Australia's international brand through industry advocates

Total number= 3

## Annex 2: SPECIFIC INSTANCES

Please provide details of the following in the table below:

1. Specific instances **in progress** during the year:
  - Before the initial assessment: specific received and initial assessment in development
  - After the initial assessment: specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP. Good offices were offered to the parties.
2. Specific instances **concluded** during the year (specific instances that the NCP found to merit further examination after the initial assessment and that have subsequently been closed). Please include any follow-up planned or executed regarding concluded specific instances. When NCPs engage in follow-up they review how the parties have implemented the agreement and recommendations.
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).

Please add additional lines if needed.

We encourage all NCPs to inform the Secretariat on received specific instances and to provide a final statement as soon as it becomes available, in order to keep the OECD database updated at all times. For all specific instances that have not yet been reported to the Secretariat, please complete and send this [form](mailto:barbara.bijelic@oecd.org) to [barbara.bijelic@oecd.org](mailto:barbara.bijelic@oecd.org) and [kathryn.dovey@oecd.org](mailto:kathryn.dovey@oecd.org).

**For all specific instances that are currently IN PROGRESS:**

**Before the initial assessment**

Names of parties	Date received (dd/mm/yyyy)	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Click here to enter text.	Click here to enter text.	Click here to enter text.	Click here to enter text.

**After the initial assessment**

Names of parties	Date received (dd/mm/yyyy)	Is the initial assessment publicly available?	Link to OECD database if available	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Withheld – information and communication sector	27/10/2016	No	Click here to enter text.	No
Withheld – professional, scientific and technical sector	11/05/2015	No	Click here to enter text.	[REDACTED]

Total number= 2

<sup>5</sup> According to paragraph 42 of the Commentary on the Implementation Procedures of the OECD Guidelines for Multinational Enterprises, “[...] NCPs will report to the Investment Committee in order to include in the Annual Report on the OECD Guidelines information on all specific instances that have been initiated by parties, including those that are in the process of an initial assessment, those for which offers of good offices have been extended and discussions are in progress, and those in which the NCP has decided not to extend an offer of good offices after an initial assessment”.

**For all specific instances that were CONCLUDED during the year:**

Title	Date received (dd/mm/yyyy)	Date concluded (dd/mm/yyyy)	Link to OECD database if available	Outcomes achieved	Follow-up by the NCP	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
Equitable Cambodia, Inclusive Development International and ANZ Group	07/10/2014	27/06/2018	Click here to enter text.	Other	Follow-up planned for the future	No
Specific instance in mining and quarrying sector	26/03/2018	15/05/2018		Other - Transferred	N/A – no outcomes achieved	Yes, this case was also submitted to the NCPs of Brazil and the United Kingdom. The Australian NCP has offered to provide all reasonable support to the Brazilian NCP in resolving this complaint.
Follow-up on Ansell Limited and IndustriALL Global Union et al. case	11/01/2018	Ongoing		Other - ongoing	Follow-up ongoing	No

Total number= 3

**For all specific instances that were NOT ACCEPTED during the year:**

Title	Date received (dd/mm/yyyy)	Link to OECD database if available	Reasons for not accepting the specific instance	Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.
	13/02/2017		Other – unable to identify company	No

Total number= 1



**END OF QUESTIONNAIRE**

