NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2019)

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[[1]](#footnote-2).

**STRUCTURE**

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

1. Contact information
2. Institutional arrangements
3. Information and promotion
4. Specific instances
5. Peer learning and peer reviews
6. Policy coherence
7. Challenges

Annex 1: NCP PROMOTIONAL ACTIVITIES
Annex 2: SPECIFIC INSTANCES

**TYPES OF QUESTIONS**

1. **Questions with predefined answers**For most questions, a pre-defined set of answers are provided in a drop-down menu (e.g. Yes-No-N/A). For each of these questions, please select the appropriate answer in the dropdown menu.

***Example:***

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| **(b) Promotional activities** |
| 19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year?*If yes, please provide details in table 1 in Annex 1.* | Yes/No |

1. **Open-ended questions**
2. Some questions are open-ended, and in these cases an answer box is provided. Many of these questions are meant to complement a question with predefined answers. Please keep responses precise and short.

***Example:***

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| **(b) Advisory body** |
| 5. Does the NCP have one or several advisory bodies? | Yes/No |
| If the NCP has several advisory bodies, please specify. | Click here to enter text. |

1. “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:***

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| *Additional comments on* ***Advisory body***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. These terms will be underlined the first time they are used in this questionnaire.

* **Structure of the NCP:** The organisational set up of the NCP. Four NCP structures have been pre-identified, but other arrangements are possible:
	+ Single-agency: The NCP is composed of one individual in a single ministry, or by a group of individuals belonging to the same service in the same ministry.
	+ Inter-agency: The NCP is composed of a group of representatives from several ministries or government agencies.
	+ Expert-based: The NCP is composed of experts who are external to government.
	+ Multipartite: The NCP is composed of a group of government officials and stakeholder representatives.
* **Secretariat**: Government officials or group of government officials acting as the permanent office of an NCP.
* **Advisory body:** Some NCPs havean 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. Some advisory bodies also provide oversight to the NCP (see below).
* **Oversight:** Monitoring of the NCP’s activities performed by an Advisory body, for example on whether the NCP has followed its own rules of procedures.
* **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.
* **Reporting:** In addition to the present report to the OECD, some NCPs provide a regular account of their activities to their national government or parliament. This reporting can take several forms: ongoing through regular reporting channels, or through the presentation of a periodic report, which may be made public.
* **Stakeholder meeting:** A stakeholder meeting is a meeting organised by the NCP to exchange with stakeholders, including trade unions, NGOs and the business community that are not part of the main body or of the advisory body of the NCP.

**REPORTING PERIOD**

The reporting period for this questionnaire is from 1 January to 31 December 2019.

**SUBMISSION**

The questionnaire should be completed by using this word document and sent by email to: RBC@oecd.org copying nicolas.hachez@oecd.org and kathryn.dovey@oecd.org by **24 January 2020**.

Should you have any questions on how to fill this questionnaire, please contact nicolas.hachez@oecd.org.

NATIONAL CONTACT POINT REPORTING QUESTIONNAIRE (2019)

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| **A. CONTACT INFORMATION** |
| *Please provide the contact information of the person filling in the questionnaire.* |
| Name: | AusNCP Secretariat |
| Job title: | AusNCP Secretariat |
| Email: | Secretariat@AusNCP.gov.au |
| Telephone number: | 61 2 6263 2224 |

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| **B. INSTITUTIONAL ARRANGEMENTS** |
| **(a) Structure, location and composition of the NCP** |
| 1. What is the structure of the NCP? | Single-agency |
| 2. Who are the members of the NCP?*Please describe the functions of the members of the NCP and the ministry/organisation they represent. No names are required.* | The AusNCP structure is managed by a Senior Official, and supported by a Secretariat, in the Department of the Treasury. The Senior Official is responsible for all decision-making, except for specific instances.In 2019, Specific Instance decision-making was contracted to an individual Independent Examiner (remunerated, part time 20%). This new position also undertakes promotion activities.In 2019, the AusNCP structure also expanded to establish a Governance and Advisory Board, with oversight, advisory and promotional duties.  |
| 3. If the NCP is not a single-agency NCP, does it have a secretariat? | Choose an item. |
| If yes, in which ministry or government body? |  |
| If yes, in which department of the ministry or government body? |  |
| 4. Has the NCP been established through a legislative, regulatory or administrative instrument (e.g. a statute, a decree, a ministerial resolution)?  | No |
| If yes, please provide the name and dated of this instrument, and a link if available | Click here to enter text. |
| *Additional comments on* ***Structure, location and composition of the NCP***In 2019, the AusNCP reforms came into effect, with the inaugural meeting of the new Governance and Advisory Board (April 2019) and the appointment of the inaugural Independent Examiner (Mr John Southalan, August 2019). |
| **(b) Advisory body** |
| 5. Does the NCP have one or several advisory bodies? One | Yes |
| If the NCP has several advisory bodies, please specify. |  |
| If yes, please describe the advisory body(ies)’ functions (e.g. advising on promotion, on specific instance handling in general, on individual cases, providing oversight, etc.)  | Please refer to the [Governance and Advisory Board Terms of Reference](https://ausncp.gov.au/sites/default/files/2019-10/1910%20AusNCP%20GAB%20Terms%20of%20Reference.pdf) for details. |
| If yes, please list the names of organisations that are represented on the advisory body(ies) and the type of organisation. *(e.g. government, NGO, trade union, business, business organisation, academic, consumer organisation, etc.)*  | Please refer to the [Governance and Advisory Board Terms of Reference](https://ausncp.gov.au/sites/default/files/2019-10/1910%20AusNCP%20GAB%20Terms%20of%20Reference.pdf) for a full list of members. |
| If yes, please indicate how often the advisory body(ies) meets | Twice a year, minimum |
| 6. If an advisory body provides oversight, please describe the oversight procedure | Please refer to the [Governance and Advisory Board Terms of Reference](https://ausncp.gov.au/sites/default/files/2019-10/1910%20AusNCP%20GAB%20Terms%20of%20Reference.pdf) for oversight duties, including procedural reviews. |
| *Additional comments on* ***Advisory body****:*Click here to enter text. |
| **(c) Human and financial resources** |
| 7. Does the NCP have dedicated full-time staff?*If yes, please indicate the number.* | Yes | *1*  |
| 8. Does the NCP have dedicated part-time staff?*If yes, please indicate in the second box the number of part-time staff members and in the third box the percentage of time spent on NCP matters for each part-time staff member.*  | Yes | 3 | *Secretariat Manager: 50%**Secretariat officer: 80%**Senior official: 10%* |
| 9. Have any full-time or part-time staff members joined the secretariat/support office during the year? *If yes, please indicate how many.* | Yes, both part-time and full-time staff members | 4  |
| 10. Have any full-time or part-time staff members left the NCP during the year? *If yes, please indicate how many.* | Yes, both part-time and full-time staff members | 3  |
| 11. Did the NCP have a dedicated budget this year? | Yes |
| If no, were financial resources for promotional activities allocated on an ad hoc basis when requested by the NCP? | Choose an item. |
| If no, were financial resources for specific instances allocated on an ad hoc basis when requested by the NCP? | Choose an item. |
| 12. During the year, did the human and financial resources available to the NCP allow it to: |
| Handle specific instances in an efficient and timely manner | Yes |
| Organise promotional events | Yes |
| Attend NCP meetings at the OECD | Yes |
| Attend events organised by other NCPs | Yes – peer review participant |
| Attend events organised by stakeholders | Yes |
| Cover professional mediator fees or in-house mediator fees | Yes |
| Conduct fact-finding research into specific instances | Yes |
| If you answered no to any of the above, please specify | The AusNCP did not mediate any complaints in 2019, but organised a facilitated discussion (that did not eventuate) between parties to a complaint. |
| *Additional comments on* ***Human and financial resources****:*Please see comments on structure at B.2.**At the end of 2019, Ministry\* staff comprised of:** X1 Senior Executive official (part-time)X1 Communication and Event Coordinator (new role, part time)X1 Secretariat Manager (part time)X2 Secretariat Officers (one full time, one part time)\*Excludes the Independent Examiner (counted as ‘Yes’ in professional/in-house mediator fees). |
| **(d) Reporting** |
| 13. Does the NCP report to the government on its activities? | Yes |
| If yes, how often? | On an adhoc basis |
| 14. Does the NCP report to parliament on its activities? | Yes |
| If yes, how often? | As required, through our Senate Estimates processes, conducted three times annually. |
| 15. Please indicate any other relevant transparency requirement applicable to the NCP in your country |  |
| *Additional comments on* ***Reporting:***The AusNCP also normally reports its activities in the Department of the Treasury Annual Report and in an AusNCP Annual Outlook publication on its website. |

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| **C. INFORMATION AND PROMOTION** |
| **(a) NCP website[[2]](#footnote-3)** |
| 16. Does the NCP have a website? If yes, please provide the link in the second box. | Yes | https://ausncp.gov.au/ |
| If yes, was the website created/renovated this year?  | Yes |
| 17. Are the following items available on the NCP website? |
| **Information about the Guidelines and the role of the NCP** |
| The text of the Guidelines | Yes |
| A description of the Guidelines  | Yes |
| The OECD Due Diligence Guidance Documents | Yes |
| Explanatory text about due diligence | No |
| Information on the NCP and its mandate | Yes |
| The NCP Annual Report submitted to the OECD  | Yes |
| The NCP's Report to government and/or parliament (if applicable) | N/A |
| The NCP’s peer review report (if applicable) | N/A |
| **Information about specific instances** |
| Information on how to submit a specific instance | Yes |
| An online form to submit a specific instance | Yes |
| The NCP’s rules of procedures  | Yes |
| All final statements since 2011 | Yes |
| **Information on promotional activities** |
| The NCP’s promotional plan | No |
| Information on upcoming events promoting the Guidelines | No |
| Information on past events promoting the Guidelines | No |
| **Contact information** |
| 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 |
| *Additional comments on* ***NCP website****:*The AusNCP publishes the AusNCP Annual Outlook on its website. The Outlook is a new initiative, first published in 2019, to share information about the AusNCP’s past and future activities. The 2020 Outlook will be published in the first half of 2020.  |
| **THe (b) Promotional activities[[3]](#footnote-4)** |
| 18. Does the NCP have a promotional plan for the coming year(s)? | Yes |
| 19. Did the NCP organise or co-organise events to promote the Guidelines and/or the NCP during the year? *If yes, please provide details in table 1 in Annex 1.* | Yes |
| 20. Did the NCP make a presentation to promote the Guidelines and/or the NCP in events organised by others? *If yes, please provide details in table 2 in Annex 1.* | Yes |
| 21. Did the NCP make use of social media to communicate on NCP promotional activities during the year? | No, although Board members used their own platforms to promote key reform announcements. |
| 22. Did the NCP hold a stakeholder meeting during the year? | Yes |
| 23. Did the NCP promote the Guidelines among the business community during the year? | Yes |
| 24. Did the NCP carry out any training on the Guidelines aimed at businesses during the year? | Yes |
| 25. Did the NCP promote the Guidelines among NGOs during the year? | Yes |
| 26. Did the NCP promote the Guidelines among trade unions during the year? | No |
| 27. Did the NCP promote the Guidelines among government agencies during the year? | Yes |
| 28. Did the NCP promote the Guidelines among embassies abroad during the year? | Yes |
| 29. Did the NCP promote the Guidelines to investment promotion agencies during the year? | Yes |
| 30. Did the NCP focus on any of the following during promotional activities during the year: |
| OECD Due Diligence Guidance for Responsible Business Conduct | Yes |
| OECD Due Diligence Guidance for Responsible Supply Chains in the Garment and Footwear Sector | No |
| Due Diligence for Responsible Corporate Lending and Securities Underwriting and/or Responsible Business Conduct for Institutional Investors | Yes |
| 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 |
| *Additional comments on the section* ***Promotional activities****:*Click here to enter text. |

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| **D. SPECIFIC INSTANCES** |
| **(a) NCP rules of procedure for handling specific instances** |
| 31. Does the NCP have rules of procedure describing the handling of specific instances?  | *Yes* |
| 32. Are the rules of procedure available online?*If yes, please provide a link in the second box. If no, please attach a copy of the rules of procedure to this questionnaire* | Yes | https://ausncp.gov.au/complaints/ausncp-procedures |
| 33. Were the NCP’s rules of procedure modified this year?  | *Yes* |
| *Additional comments on the section* ***Rules of procedure****:*The AusNCP procedures were updated twice in 2019 following public consultation processes. [Submissions](https://ausncp.gov.au/complaints/ausncp-procedures/procedures-consultation-2019) received during this process are available for viewing on the AusNCP website. |
| **(b) Specific instance practicalities**  |
| 34. Does the NCP confirm receipt of a specific instance submission?  | Yes |
| 35. Does the NCP request feedback from the parties on the procedure following the conclusion of a specific instance?  | Yes |
| 36. Has the NCP staff undergone training in dispute resolution or problem solving (e.g. mediation)?  | *Yes* |
| 37. Did the NCP engage professional mediators during the year?  | *Yes* |
| 38. Did the NCP staff or members conduct mediation this year? | *No* |
| *Additional comments on the section* ***Specific instance practicalities****:*Good offices were offered in complaint 16, but declined by the enterprise. |
| **(c) Reporting specific instances**  |
| 39. Did the NCP receive new specific instance submissions during the year?*If yes, please also provide details in Annex 2* | *Yes* |
| 40. Did the NCP close specific instances during the year?*If yes, please also provide details in Annex 2* | *Yes* |
| 41. 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?*If yes, please also provide details in Annex 2* |  No |
| 42. Did the NCP follow up on a case during the year? *If yes, please also provide details in Annex 2* | Yes |
| 43. Is the OECD [case database](http://mneguidelines.oecd.org/database/) accurate and up to date with regard to cases handled by the NCP? | No |
| *Additional comments on the section* ***Reporting specific instances***:G4S is missing, but has appeared in the database in the past. <https://ausncp.gov.au/sites/default/files/inline-files/G4S_aus.pdf>  |

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| **E. PEER LEARNING AND PEER REVIEWS** |
| 44. Did the NCP take part in the following activities with other NCPs during the year: |
| Host a peer learning activity | *No* |
| Participate in peer learning activities hosted by other NCPs | *N/A: The NCP was not invited to such an activity this year* |
| Co-operate with other NCPs in handling specific instances | *Yes* |
| Provide mentoring/capacity building to another NCP  | *Yes* |
| 45. Is the NCP interested in hosting an NCP learning/experience-sharing event in 2020? | *Yes* |
| 46. Which topic would the NCP consider to be a priority to cover in a peer learning event?  | *The AusNCP would be interested in:*1. *participating in an event that explores different NCP approaches to handling complaints that are submitted to multiple complaint forums.*

*(2) hosting an event that explores the merits of different NCP structures.* |
| 47. Is the NCP interested in participating in developing tools for use by NCPs?  | *Yes* |
| 48. Is the NCP interested in acting as a peer reviewer in the future? | *Yes* |
| If yes, please specify the semester and the year | *Semester 1 or 2 in 2022* |
| *Additional comments on the section* ***Peer-learning and peer reviews****:*The AusNCP has been approached and also offered advice to a number of NCPs in relation to structures and our recent reforms. |

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| **F. POLICY COHERENCE[[4]](#footnote-5)** |
| 49. Have the Guidelines been referred to in relevant national legislation/regulations/policies adopted during the year?*(e.g. on responsible business conduct; non-financial reporting, export credits regulation, public procurement)* | *Yes* |
| If yes, please provide a short summary and a link to the legislation.*If a link is not available, please attach a copy of the legislation to this questionnaire.* | Modern Slavery Legislation summary - <https://www.homeaffairs.gov.au/about-us/our-portfolios/criminal-justice/people-smuggling-human-trafficking/modern-slavery> Link to legislation - <https://www.legislation.gov.au/Details/C2018A00153>  |
| 50. Did your country adopt a National Action Plan (NAP) this year?*If yes, please indicate which type of NAP*  | *No* | Choose an item. |
| If yes, please provide a link | Click to enter text. |
| If yes, does the NAP make reference to the Guidelines? | *No* |
| If yes, does the NAP make reference to the NCP? | *No* |
| 51. Was a NAP in development this year?*If yes, please indicate which NAP.* | *No* | Choose an item. |
| If yes, did the NCP participate in the development of the National Action Plan? | *No* |
| 52. Did the NCP communicate public statements on specific instances to officials responsible for trade missions? | Yes |
| 53. Did the NCP communicate public statements on specific instances to officials responsible for foreign trade and investment incentives? | Yes |
| 54. Did the NCP communicate public statements on specific instances to public procurement officials? | No |
| 55. Does your national legislation or policy on public procurement refer to the Guidelines and/or OECD due diligence instruments and/or to the NCP process? | No |
| If yes, please provide a link to the legislation.*If a link is not available, please attach a copy of the legislation to**this questionnaire.* | Click to enter text. |
| 56. Have public procurement officials/practitioners consulted the NCP on the Guidelines and OECD due diligence instruments or involved the NCP in specific public procurement opportunities? | Yes |
| 57. Were public procurement officials involved in any of your training/outreach activities? | No |
| 58. What tools or projects does the NCP develop to support public procurement practitioners on RBC and OECD due diligence? | The AusNCP is currently consulting with the Australian Department of Finance regarding new OECD initiatives on public procurement . |
| 59. Please flag any specific initiatives/good practice involving public procurement and RBC in your country. | Australian Modern Slavery Act and related events promoting supply chain awareness. |
| 60. Please indicate any other examples of policy coherence activities. | Voluntary Principles Initiative, Financial Sector Commission, Trusted Trader Initiative, Bali Process, UN Human Rights Council, input to trade agreements.  |
| *Additional comments on* ***Policy Coherence****:*Click here to enter text. |

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| **G. CHALLENGES** |
| 61. Has the NCP faced any particular challenge(s) it would like to highlight this year?  | Yes |
| *Additional comments on* ***Challenges****:*Complainants who have previously used another NCP process and not received their desired outcome, have sought to use the AusNCP to reprosecute their claims.  |

**Annex 1: NCP PROMOTIONAL ACTIVITIES**

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| **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** |
| **Title** | **Date***(dd/mm/yyyy)* | **Location** | **Type of event** | **Size of audience** | **Organised or co-organised?** | **Targeted audience***e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc.* | **Theme***e.g. the OECD Guidelines, the NCP activities on sector due diligence guidance documents, etc.* |
| Working lunch - Introducing Due Diligence and National Contact Points for Responsible Business Conduct | 12/06/2019 | UN Conference Centre, Bangkok | **Other** | **50-100** | **Co-organised** | Delegates at Bangkok Business and Human Rights Week events in June 2019 | NCP activities on sector due diligence |
| Meeting with Australia-Thailand Chamber of Commerce | 10/06/2019 | Bangkok | **Other** | **1** | **Organised** | Business representatives | Role of the AusNCP in promoting OECD Guidelines, AusNCP complaints mechanism, engagement with Australian businesses abroad |

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| **Total number=** | 2 |

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| **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***e.g. Business representatives, NGOs, Trade unions, Academia, General public, Government representatives, etc*  | **Organiser(s)** | **Type of intervention** | **Theme of the intervention** |
| Australian Chamber of Commerce in South Korea | 19/12/2019 | Seoul | **Bilateral meeting** | **2** | Industry representative | AusNCP | Awareness raising | Role of the AusNCP in promoting OECD Guidelines, role of the Board, complaints mechanism, relevant sectors |
| Business and Human Rights - Global Developments and Lessons for Australia | 11/12/2019 | Melbourne | **Conference** | **>100** | Business representatives, NGOs, Trade unions, Academia, Government representatives | UN Environment Programme Finance Initiative and the Principles for Responsible Investment network | Panel participation | Role of the AusNCP in promoting OECD Guidelines, AusNCP complaints mechanism |
| Department of Home Affairs Industry Summit | 19/11/2019 | Melbourne | **Conference** | **>100** | Business representatives | Department of Home Affairs | Promotional booth | General information provided to businesses on their responsibilities under the OECD Guidelines and the NCP complaints mechanism |
| Australian Dialogue on Business and Human Rights 2019 | 17/10/2019 | Melbourne | **Conference** | **50-100** | Business representatives, NGOs, Trade unions, Academia, Government representatives | Australian Human Rights Commission | Presentation to audience members introducing the AusNCP | Role of the AusNCP in promoting OECD Guidelines, AusNCP complaints mechanism |
| Responsible Investment Association Australasia (RIAA) Human Rights Working Group | 22/08/2019 | Canberra | **Conference call** | **50-100** | Institutional investors | RIAA | Presentation to audience members introducing the AusNCP | Role of the AusNCP in promoting OECD Guidelines, AusNCP complaints mechanism, examples linking finance sector to OECD Guidelines |
| UN Global Compact (UNGC)-Global Reporting Initiative (GRI) Sustainability Summit 2019 | 20-21/08/19 | Manila | **Conference** | **50-100** | Business representatives, NGOs, Government, Investors | UNGC | Panel presentations to audience members introducing the AusNCP | Role of the AusNCP in promoting OECD Guidelines, AusNCP complaints mechanism, examples linking finance sector to OECD Guidelines |
| ASEAN Intergovernmental Commission on Human Rights (AICHR) Interregional Dialogue – Panel on UNGPs and the role of Institutional Investors  | 11/06/2019 | Bangkok | **Conference** | **50-100** | Business representatives, NGOs, Government, Investors | AICHR | Panel presentation | Relevance of OECD Guidelines to Institutional investors |
| OECD Responsible Business and Human Rights Forum – panel on due diligence in project finance | 12/06/2019 | Bangkok | **Conference** | **50-100** | Business representatives, NGOs, Government, Investors | OECD | Panel presentation | Relevance of OECD Guidelines to financial services sector |
| OECD Responsible Business and Human Rights Forum – panel on Accountability and access to remedy | 13/06/2019 | Bangkok | **Conference** | **50-100** | Business representatives, NGOs, Government, Investors | OECD | Panel presentation | Outcomes of NCP processes, NCP role in facilitating remedy |
| ASEAN Intitutional Investors Forum – panel on Undertaking due diligence for responsible business conduct across investment portfolios | 14/06/2019 | Bangkok | **Conference** | **50-100** | Business representatives, NGOs, Government, Investors | ASEAN Secretariat, Stock Exchange of Thailand | Panel presentation | Relevance of OECD Guidelines to Institutional investors |
| Various activities to promote the AusNCP reforms and introduce the new Independent Examiner (not counted) | 08-12/2019 | Australia | Various | Various | Academia and NGOs | AusNCP Independent Examiner | Various sideline discussions, interventions or references in academic papers. | Disclosure of new position in context with other professional interests. |

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| **Total number=** | 10 |

**Annex 2: SPECIFIC INSTANCES**

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| **Please provide details of the following in the table below:** 1. Specific instances **in progress** during the year (specific instances received and found to merit further examination after the initial assessment, and under consideration by the NCP).
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).
3. Specific instances **not accepted** during the year (specific instances that the NCP found not to merit further examination).
4. Specific instances for which **follow up** was performed during the year (the NCP monitored whether the agreement reached by the parties or its recommendations to the parties have been implemented)

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](https://community.oecd.org/docs/DOC-102950) to Alison.holm@oecd.org and Kathryn.dovey@oecd.org[[5]](#footnote-6). |
| **For all specific instances that are currently IN PROGRESS:** |
| **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.** |
| Click here to enter text. | Click here to enter text. | Choose an item. | Click here to enter text. | Click here to enter text. |
| **Total number=** | 0 |

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| **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** | **Does the final statement plan for follow up?** | **Did the NCP co-operate with other NCPs during the handling of this specific instance? If yes, please describe.** |
| Mr Yacouba Traoré on behalf of the Former Employees Collective of the Australian Laboratory Services Mali SARL Laboratory Group and Australian Laboratory Services | 11 May 2015 | March 2019 | http://mneguidelines.oecd.org/database/instances/au0011.htm - 13 Feb 2017  | Agreement reached between the parties outside the NCP process | Follow-up planned for the future | No |
| National Justice Project for Australian Women Without Borders on behalf of an affected individual and Mercer | 27 Oct 2016 | July 2019 | http://mneguidelines.oecd.org/database/instances/au0013.htm - 27 Oct 2016  | Change in company policy/procedure | Follow-up planned for the future | No |

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| **Total number=** | 2 |

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| **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.** |
| IUF on behalf of affected individuals and Coca Cola Amatil | 20 June 2019 | http://mneguidelines.oecd.org/database/instances/au0015.htm - 20 Jun 2019  | Consideration of the specific issue would not contribute to the purposes and effectiveness of the Guidelines. | The AusNCP sought advice from the US National Contact Point in developing its initial assessment. |
| Mr Robert Palin and Deutsche Bank | 14 July 2019 | http://mneguidelines.oecd.org/database/instances/au0014.htm - 14 Jul 2019 | There was no link between the enterprise’s activities and the issue raised in the specific instance. | The AusNCP consulted with the US NCP, the German NCP and the Czech NCP,particularly regarding the scope of the Guidelines and discussed the possibility of transferring the case. |

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| **Total number=** | 2 |

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| **For all specific instances for which FOLLOW UP was performed during the year:** |
| **Title** | **Date concluded***(dd/mm/yyyy)* | **Date of follow up***(dd/mm/yyyy)* | **Was a public follow up statement issued?** | **Link to the follow up statement, if applicable** |
| Inclusive Development International andEquitable Cambodia and ANZ | June 2018 | Ongoing | Other | To be published at the conclusion of the follow up process |

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| **Total number=** | 1 |

**END OF QUESTIONNAIRE**

1. 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”. [↑](#footnote-ref-2)
2. This includes dedicated NCP webpages as part of the Ministry’s website. [↑](#footnote-ref-3)
3. 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. [↑](#footnote-ref-4)
4. 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 specifics agency’s policies and programmes […].” [↑](#footnote-ref-5)
5. According to paragraph 42 of the Commentary on the Implementation Procedures of the OEDC 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”. [↑](#footnote-ref-6)