



Procedural Review Statement

Complaint 19

14 May 2020

1. The Committee was tasked with a Procedural Review of the AusNCP's handling of the complaint by Mr Palin regarding Deutsche Bank as measured against its September 2019 Procedures. The Committee did not review the merits of the case. We are of the view that the AusNCP's Complaint Procedures were followed.
2. The Committee reviewed the initial case material provided by the AusNCP Secretariat and determined that insufficient material was provided by the Secretariat for the Committee to fulfil its duties. Further information was requested on multiple occasions to confirm procedures were followed and to verify the findings of the Final Statement. One such verification was the date that the complaint was acknowledged. The Final Statement notes that the complaint was acknowledged and further information was sought on 19 July 2019, but documentation confirms this was 16 July 2019. The Committee is not of the view that this affected the outcome of the review.
3. With respect to paragraph 8 of the Final Statement, the Review Committee is unable to determine, from the material supplied, that the Australian subsidiary of the enterprise engaged sufficiently with the notifier or provided him with adequate information. However, the Committee is of the view that the parent enterprise did engage with the notifier and supply necessary information, as stated in paragraph 7.3. The actions of the Australian subsidiary therefore did not affect the outcome of the initial assessment.
4. The Committee recommends that future procedural reviews should be provided with all documentation from the outset, with any confidentiality checks or party authorisations completed before the Review Committee commences its work. All documentation should be provided in a confidential manner, for example a password protected document, as the AusNCP originally provided the Committee in its first information package. In addition, all parties involved in a Review should be regularly updated as to its status.
5. Governance: This Procedural Review was conducted in accordance with Section 8 of the AusNCP Complaint Procedures, September 2019. This statement is made available on the AusNCP website at www.ausncp.gov.au. The Committee notes these revised procedures came into effect during the Initial Assessment of the original complaint, therefore the AusNCP Secretariat and Procedural Review Committee have made the following adjustments to suit the transitional nature of this case.

- 5.1. The September 2019 version of the procedures applies wherever possible, except where the Independent Examiner has been substituted with AusNCP Treasury Secretariat as the decision-maker.
- 5.2. Noting the decision-maker is a member of Government, the Committee and AusNCP Secretariat agreed that the composition of the Review Committee on this occasion did not require a Government member.

Pero Stojanovski

Business Council of Australia,
Review Committee Chair
(Complaint 19) and Proxy
Member of the AusNCP
Governance and Advisory Board

Kylie Porter

Global Compact Network
Australia and Proxy Member of
the AusNCP Governance and
Advisory Board

Peter Colley

CFMEU and Proxy Member of
the AusNCP Governance and
Advisory Board