

Governance and Advisory Board Meeting

Australian National Contact Point for Responsible Business Conduct

MINUTES

1.00 – 4.00 pm Monday 21 November 2022

Attendance via Video conference

Chairperson: Mr Tom Dickson, Senior Executive, Australian National Contact Point, Department of the Treasury (Treasury)

Observers:

Mr John Southalan, Independent Examiner, Australian National Contact Point

Ms Shanta Martin, Independent Examiner, Australian National Contact Point

Ms Shiv Martin, Independent Examiner, Australian National Contact Point

Board members:

Mr Peter Scott, Acting Assistant Secretary, Stakeholder Engagement and Advocacy Branch, Department of Foreign Affairs and Trade (DFAT)

Mr Chris Barnes, Director Trade Policy and International Relations, Australian Chamber of Commerce and Industry (ACCI)

Ms Kate Prior, Head of Legal, Export Finance Australia (EFA)

Ms Freya Dinshaw, Legal Director, Human Rights Law Centre (HRLC) and Member, Australian Corporate Accountability Network (ACAN)

Ms Vanessa Zimmerman, Chief Executive Officer, Pillar Two

Mr Rhys Davies (proxy member), Partner, DLA Piper Australia

Mr Pero Stojanovski (proxy member), Deputy Chief Economist, Business Council of Australia (BCA)

AusNCP Secretariat:

Ms Laura Llewellyn, Director, Australian National Contact Point, Treasury

Ms Michelle Evans, Assistant Director, Australian National Contact Point, Treasury

Ms Kate Wilson, Assistant Director, Australian National Contact Point, Treasury

Ms Carmela Magnocavallo, Secretariat, Australian National Contact Point, Treasury

Ms Isobelle Ritchie, Secretariat, Australian National Contact Point, Treasury

Apologies

Ms Lorraine Finlay, Commissioner, Australian Human Rights Commission

Ms Alison Drury, General Manager, Trade and International, Department of Industry, Science, Energy and Resources (DISER)

Ms Ayesha Nawaz, Assistant Secretary, Integrity & Criminal Law, Attorney-General's Department (AGD)

Ms Clare Middlemas, International Officer, Australian Council of Trade Unions (ACTU)

Ms Serena Lillywhite (proxy member), Member, Australian Corporate Accountability Network (ACAN)

Mr Colin Minihan, Acting Assistant Secretary, Integrity & Criminal Law, Attorney-General's Department (AGD)

Mr David Tonkin, Chief Counsel, Legal, Procurement & Fraud, Australian Trade and Investment Commission (Austrade)

Agenda

1. Opening remarks and apologies

Mr Dickson opened the meeting and welcomed all attendees to the AusNCP Governance and Advisory Board (the Board) meeting. Mr Dickson acknowledged the traditional owners of the land and paid respects to elders past, present and emerging.

Mr Dickson welcomed new Secretariat team member Ms Ritchie.

Mr Dickson introduced newly appointed Independent Examiner, Ms Shiv Martin.

2. Action items from last meeting

Mr Dickson noted that all action items from the 21 April 2021 meeting were completed.

The action items included updating reference to non-government Board members on the AusNCP website and documents, develop a framework for engagement with stakeholders on the Stocktaking of the Guidelines exercise, notifying Board members when the Peer Review report is published and seeking feedback on Board membership, the Engagement Strategy 2022-23 and the Conflict of Interest Guidelines.

3. AusNCP Engagement Strategy 2022-23

The 2022-23 AusNCP Engagement Strategy and a summary of promotion activities undertaken in 2022 were circulated ahead of the meeting.

Ms Wilson gave an overview of the AusNCP's recent promotional efforts which included disseminating social media content through relevant Australian Government social media accounts, promotional panel events, and outreach to Australian Embassies and High Commissions.

Ms Wilson asked Board members to consider opportunities (events, training, communication channels) managed by Board organisations that might be suitable for AusNCP promotion.

Some Board members provided suggestions about some new communications channels to include in the AusNCP Engagement Strategy.

Action: Board members will bring any opportunities to promote the Guidelines and the NCP through their organisations to the Secretariat's attention.

Action: The Secretariat will follow up with the Australian Chamber of Commerce and Industry and Business Council of Australia Board representatives regarding some specific promotion opportunities discussed at the meeting.

4. Louise Davidson, CEO Australian Council of Superannuation Investors (ACSI)

Ms Davidson, the CEO of ACSI gave an overview on ACSI's responsible investment and ESG advocacy. The overview covered what ACSI and superfunds are doing to promote responsible investment among their members and encourage ASX companies to implement ESG.

The Secretariat and Board members asked questions about Australian investors engagement with companies, sectors of interest and related topics.

5. OECD Working Party on Responsible Business Conduct and National Contact Point meetings

Ms Llewellyn gave an update on the AusNCP Secretariat's work with OECD on responsible business conduct through the Working Party on Responsible Business Conduct and the Network of National Contact Points. Key items included: work on updating the OECD Guidelines, the planned Ministerial Meeting in February 2023 and upcoming Peer Review of the New Zealand NCP.

Board members expressed their interest in the updates to the OECD Guidelines.

Ms Llewellyn asked Board members to consider if they would find a roundtable hosted by the AusNCP useful to develop a submission for the planned public consultation period, which will occur in January-February 2023.

Action: Board members to decide whether they would like to participate in a roundtable.

6. Australian Peer Review Report

Ms Evans noted that the AusNCP Peer Review Report has been published on the AusNCP website and the AusNCP's formal response will be published shortly. The draft response was circulated to Board members before the meeting.

Board members were welcomed to share views and questions on the draft Peer Review response.

7. Board Governance

Current Register of Interests

Mr Dickson shared that the current interests register was circulated with the Board papers for this meeting.

Board members were reminded to keep the Secretariat informed about any new interests.

Action: The Secretariat will prepare a separate register for Independent Examiner interests to be tabled at future meetings.

Board membership arrangements and operations

Mr Dickson thanked Board members that shared their views out of session on current Board membership arrangements. A paper was circulated with the Board papers for this meeting summarizing suggested changes to membership and composition for noting. This included clarity on Board member responsibilities, extended timeframes for Board appointments and replacing the ABF Board member with a new representative from the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Board feedback sessions with Independent Examiners

Ms Evans gave an overview of Board member responses to a Board feedback session with Independent Examiners, noting a trial session held on 16 September 2022. Ms Evans invited Board members to share whether Feedback sessions with Independent Examiner would be continued. Examiners noted the benefit of holding sessions going forward. Board members agreed that the session was useful.

8. Other business and meeting close

Mr Dickson thanked all Board members and Independent Examiners for their contributions to the meeting. Next Board meeting will be held in late April or May 2023.

9. Discussion about acting and recently closed complaints

Proxy and conflicted Board members left the meeting prior to commencing active case discussions.

Mr Southalan, Ms Martin and Ms Martin provided an update on the AusNCP's current active cases. Board members provided feedback on the handling of each case.

Note: Due to the sensitive and confidential nature of the casework detailed information has been excluded from these minutes that are published on the AusNCP website.