

# Peer Review of Australia's National Contact Point

Progress Report to the OECD Working Party on Responsible Business Conduct  
June 2023

# Australian Peer Review - Timeline



September  
2021

Italy, Sweden and New Zealand conducted a virtual peer review of the Australian NCP for Responsible Business Conduct (AusNCP).



June 2022

OECD published [final report of the peer review of the Australian NCP](#)

The report includes seven recommendations for improvement, covering institutional arrangements, promotion and complaint handling.



December  
2022

Published the [formal response to the peer review final report](#)

The response agreed to all recommendations.



June 2023

Progress report to the OECD Working Party on Responsible Business Conduct

All recommendations have been implemented or are in progress.

# Recommendations and progress - institutional arrangements

Final Report Finding	Recommendation	Response and Implementation
<b>1.1 Institutional Arrangements – structure</b>		
<p>The NCP structure was reformed as part of the general mandate of Treasury to promote RBC and the OECD Guidelines, but is not formalised in a legal or official document. Stakeholders have shared that they would have more trust in the NCP, would view its structure as more stable and its authority as better established if it was explained in such a document.</p>	<p>Australia could consider ways to lend more stability and authority to the NCP by formalising its structure in a legal or administrative document.</p>	<p><b>Agree.</b></p> <ul style="list-style-type: none"><li>• In December 2022, AusNCP published a <a href="#">fact sheet</a> on its website explaining its authority and structure.</li></ul>

# Recommendations and progress – institutional arrangements

Final Report Finding	Recommendation	Response and implementation
<b>1.2 Institutional Arrangements – communicating impartiality</b>		
<p>The NCP structure is viewed as conducive to impartiality, notably as cases are handled by an Independent Examiner, but stakeholders have questions regarding how impartiality can be guaranteed in some circumstances (e.g. a case that touches upon government policy).</p>	<p>More communication could be done to clarify and explain the safeguards that are in place to maintain impartiality (e.g. enhance the existing conflict of interest policy, extent of independence of the independent examiner, etc).</p>	<p><b>Agree.</b></p> <ul style="list-style-type: none"><li>• In March 2022, AusNCP implemented updated guidelines for managing conflicts of interest for Independent Examiners.</li><li>• In July 2022, AusNCP published new guidelines for managing conflicts of interest for the Governance and Advisory Board.</li><li>• In December 2022, the AusNCP published a <a href="#">fact sheet on impartiality</a> on its website.</li><li>• In progress: AusNCP complaint procedures are being updated to include more detail about how conflicts of interest are disclosed and managed. Updated procedures will be published later in 2023 to reflect updated OECD Guidelines.</li></ul>

# Recommendations and progress – promotional activities

Final Report Finding	Recommendation	Response and implementation
<b>2.1 Promotional activities – leveraging opportunities</b>		
<p>The structure of the NCP offers many opportunities for promotion, through the Secretariat, the Independent Examiner, and the Governance and Advisory Board, whose own activities and contacts can act as relays for the NCP’s promotion efforts. However, these opportunities are not fully explored in the promotional plan.</p>	<p>The promotional plan should be revised to more strategically leverage key actors and relationships, in particular the secretariat (strategically located in Treasury), advisory board, independent examiner, stakeholder networks. It could set clearer dissemination objectives and be publicised with stakeholders.</p>	<p><b>Agree.</b></p> <ul style="list-style-type: none"><li>• In June 2022, the AusNCP developed a new engagement strategy in consultation with the multi-stakeholder Governance and Advisory Board.</li><li>• In June 2023, the strategy was further refined to reflect outcomes and the 2023 priority to promote the updated Guidelines.</li><li>• In progress – continued implementation (see next slide for achievements to date) and embedding accountability through regular Board reviews of progress and reporting from board members on their actions to identify promotional opportunities.</li></ul>

# Promotional activities using our networks - examples



## Events

**In addition to speaking invitations, greater focus on co-branded events**

- ESG issues for business webinar, co-branded with a university and national law firm.
- Law Council of Australia
- Australian Chamber of Commerce and Industry

### **Direct opportunities for regional engagement**

Presentations to overseas delegations hosted by Australia through the Mekong-Australia Partnership.

**Website promotion of OECD events** where public and virtual/livestreamed – e.g. anti-corruption forum, responsible mineral supply chains.



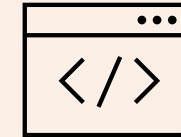
## Social media

### Accounts

- Australian Treasury account
- Other relevant govt accounts
- Non-govt board members and examiner accounts

### Content

- key events or milestones, such as public consultation or releases
- content that can be scheduled when convenient, such as promoting e-learning tools and due diligence in different languages



## Drawing on established audiences

**Tailored material** - Short, easy to read input for inclusion by our stakeholders in their member newsletters, on key events (e.g. consultation and new guidelines).

**Australia's trade promotion agency** includes references to the Guidelines on delegation websites and country briefings

### **Australia's diplomatic network**

- Text on the Guidelines on over 40 country mission websites, some in local languages.
- Presentations to Australia's diplomatic academy.

# Recommendations and progress – promotional activities

Final Report Finding	Recommendation	Response and implementation
<b>2.2 Promotional activities – increased role for website</b>		
<p>The AusNCP’s website is modern, user-friendly and easily accessible. It plays an important part in the AusNCP’s promotional efforts and in its accessibility, and this role could be increased further.</p>	<p>The use of the website as a tool for accessibility and visibility should be enhanced, e.g. by including more guidance materials produced by the NCP, an agenda of promotional events, and key information (such as a fact sheet on submitting specific instances) in relevant foreign languages</p>	<p><b>Agree.</b></p> <ul style="list-style-type: none"><li>• AusNCP has launched a <a href="#">new website</a> with improved content, better accessibility and new branding.</li><li>• The new website includes fact sheets produced by the AusNCP, news and events pages and more information about responsible business conduct, including links to OECD e-learning tools.</li><li>• In progress - AusNCP will continue to develop and/or publish guidance material, reflecting the updated OECD Guidelines.</li></ul>

# Recommendations and progress – promotional activities

Final Report Finding	Recommendation	Response and implementation
<b>2.3 Promotional activities – within government</b>		
<p>The AusNCP maintains relationships with key government agencies, notably through the Governance and Advisory Board, and provides policy inputs related to the OECD Guidelines where necessary, but knowledge of the NCP across government remains low and the RBC field is dominated by other initiatives.</p>	<p>The AusNCP should enhance its contribution to policy coherence by promoting use of the OECD Guidelines by key government actors, and by seeking further opportunities for promoting the OECD Guidelines and the NCP through related agendas, such as policies on modern slavery.</p>	<p><b>Agree.</b></p> <ul style="list-style-type: none"> <li>• Improved policy coherence and use of the OECD Guidelines across government is a priority in the new AusNCP engagement plan.</li> <li>• Extensive cross-government engagement on the updating of the Guidelines has increased visibility and provided momentum.</li> <li>• In late 2022, AusNCP Governance and Advisory Board membership was revised to improve responsible business conduct policy alignment and activities.</li> <li>• In progress – strengthening relationships and ongoing policy engagement work / policy coherence.</li> </ul>



# Recommendations and progress – complaint handling

Final Report Finding	Recommendation	Response and implementation
<b>3.1 Complaint Handling – coordination and consistency</b>		
<p>The AusNCP is faced with a sharp increase in case activity following the reforms, which may pose challenges to the Independent Examiner’s ability to handle cases in a timely and efficient manner. Treasury decided to appoint at least two Examiners going forward. This is a welcome development, but may pose coordination challenges between the two examiners.</p>	<p>Arrangements should be made regarding coordination between Examiners to avoid inconsistent decisions while protecting the independence of each Examiner. A clear, transparent and objective process should be designed for assigning cases to Examiners, taking into account relevant factors.</p>	<p><b>Agree.</b></p> <ul style="list-style-type: none"><li>• The AusNCP currently contracts three Independent Examiners for complaint handling.</li><li>• In July 2022, updated AusNCP complaint procedures were published to reflect multiple Independent Examiners including the process for assigning cases.</li><li>• Secretariat and Board provide oversight on individual cases to ensure a consistent and robust approach to complaint handling.</li><li>• Independent Examiners regularly meet to discuss procedural issues and conduct feedback sessions with Board members.</li></ul>

# Recommendations and progress – complaint handling

Final Report Finding	Recommendation	Response and implementation
<b>3.2 Complaint Handling – reviewing procedures</b>		
<p>The AusNCP has a detailed and elaborate set of rules of procedure (RoP) that were incepted following the reforms and after public consultation. The RoP are strong, but practice has shown that certain aspects could be revised to enhance perceptions of impartiality, transparency, and accessibility.</p>	<p>The AusNCP should consider reviewing the following aspects of its RoP: (i) publication of initial assessments; (ii) advice of Board on draft statements; (iii) consolidation of conflict of interest policy into one document; (iv) confidentiality agreement template.</p>	<p><b>Agree.</b></p> <ul style="list-style-type: none"><li>• In July 2022, updated AusNCP complaints procedures were published to reflect multiple Independent Examiners and other changes.</li><li>• Substantive revision of the procedures put on hold, pending the implementation of the 2023 Guidelines, to avoid multiple changes.</li><li>• In progress – the AusNCP complaints procedures are being updated for the 2023 Guidelines, and will also address the areas identified by the peer review. These are expected to be finalised, following public consultation, in September 2023.</li></ul>

## Australian National Contact Point for Responsible Business Conduct

The Australian National Contact Point is responsible for promoting the OECD Guidelines for Multinational Enterprises.

We provide conciliation services to resolve complaints against multinational enterprises.

About



### Complaints process

We provide a mechanism to help parties resolve conflicts of alleged non-observance of the OECD Guidelines



### OECD Guidelines

The Australian Government expects multinational enterprises to observe the OECD Guidelines (internationally agreed responsible business conduct standards)



### Events and workshops

We work with businesses, academia, non-government organisations and the OECD to raise awareness of the OECD Guidelines and the value of responsible business conduct

## AusNCP Website