

Governance and Advisory Board Meeting

Australian National Contact Point for Responsible Business Conduct

MINUTES

10.00am – 2.00 pm Wednesday 1 November 2023

Treasury Building

Langton Crescent, Parkes ACT 2600

Attendance

Chairperson: Mr Tom Dickson, Senior Executive, Australian National Contact Point for Responsible Business Conduct (AusNCP), Department of the Treasury (Treasury)

Observers:

Mr John Southalan, Independent Examiner, AusNCP

Ms Shanta Martin, Independent Examiner, AusNCP

Board members:

Mr Richard Emerson-Elliott, Assistant Secretary, Free Trade Agreements and Stakeholder Engagement, Department of Foreign Affairs and Trade (DFAT)

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

Ms Lorraine Finlay, Commissioner, Australian Human Rights Commission (AHRC)

Ms Katherine Stevens, Deputy General Counsel, Export Finance Australia (EFA)

Ms Miranda Lello, General Manager, Policy and Portfolio Strategy, Department of Climate Change, Energy, the Environment and Water (DCCEEW)

Ms Petra Gartmann, Assistant Secretary, Human Rights Branch, Attorney-General's Department (AGD)

Mr Peter Grist, Director of Economics, Industry and Sustainability, Australian Chamber of Commerce and Industry (ACCI)

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

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

Ms Vanessa Zimmerman, Chief Executive Officer, Pillar Two

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

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

Ms Larissa Harrison (proxy), Deputy Director, Strategic Power, United Workers Union (UWU)

Ms Fiona Reynolds (proxy), Chair, UN Global Compact Network Australia (GCNA)

AusNCP Secretariat:

Ms Laura Llewellyn, Director, AusNCP, Treasury

Ms Michelle Evans, Assistant Director, AusNCP, Treasury

Ms Kate Wilson, Assistant Director, AusNCP, Treasury

Ms Carmela Magnocavallo, Secretariat, AusNCP, Treasury

Apologies

Ms Alison Drury, General Manager, Trade and International, Department of Industry, Science, Energy and Resources (DISER); **Ms Isobelle Ritchie**, Secretariat, AusNCP, Treasury.

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 lands on which the Board was meeting and paid respects to elders past, present and emerging.

2. Action items from last meeting

Mr Dickson noted that all action items from the 25 May 2023 meeting were completed.

The action items included establishing a record of Board member achievements related to RBC promotional efforts and seeking opportunities from Board members to promote the AusNCP and OECD Guidelines through their organisations.

3. AusNCP promotion work since May 2023 Board meeting

A record of Board member's activities to promote RBC and OECD Guidelines, and the 2023-2024 AusNCP Engagement Strategy were circulated ahead of the meeting.

Ms Wilson gave an overview of the AusNCP's recent promotional efforts which included a successful social media campaign promoting the updated OECD Guidelines in June 2023 and presentations at AGD's Modern Slavery Conference and the GCNA's Business and Human Rights Dialogue. The Secretariat also reported on efforts to build capacity of other parts of Government to promote the Guidelines and ensure policy coherence by disseminating material and holding in-house seminars.

Board members made suggestions about legal and investor groups and related events which may benefit from greater awareness of the OECD Guidelines. Mr Emerson-Elliot and Mr Tonkin suggested including information on the OECD Guidelines in DFAT and Austrade's pre-posting training for overseas staff.

Ms Wilson invited the Board to identify further promotion opportunities out of session.

4. Speaker: Ms Vanessa Zimmerman, CEO, Pillar Two

Ms Vanessa Zimmerman, CEO of Pillar Two, spoke to members about the evolving business and human rights context, including her role in development of the United Nations Guiding Principles on Business and Human Rights (UNGPs), integration of the principles into the OECD Guidelines and the role of NCPs as a grievance mechanism. The overview covered global legislative and policy developments, integration of human rights into the updated OECD Guidelines, recent human rights complaints filed with NCP around the world, and challenges and opportunities for NGOs and business when engaging with the AusNCP.

The Secretariat and Board members asked questions about alignment between the updated OECD Guidelines and the UN Guiding Principles and related topics.

5. AusNCP Complaint Handling

Board member participation in this agenda item varied according to declared interests and proxy member attendance, where necessary.

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

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

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.

6. Update of AusNCP complaint procedures

A paper on the revised draft AusNCP complaint procedures and outcomes of the public consultation was circulated ahead of the meeting.

Ms Llewellyn gave an overview of the proposed updates to the AusNCP complaint procedures, including key issues and themes arising from the 2023 updated OECD Guidelines and outcomes of the AusNCP public consultation on the revised procedures. The paper proposed forming a sub-committee of the Board to finalise updates to the procedures by December 2023.

Action: Interested Board members to express their interest to join a sub-committee to finalise the AusNCP complaint procedures update.

7. 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 April 2024.