

AusNCP Board meeting 29 May 2024 minutes

ATTENDANCE

Chairperson: Ms Laura Llewellyn, Director, Australian National Contact Point for Responsible Business Conduct (AusNCP) Secretariat, Department of Treasury (Treasury)

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

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

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

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

Ms Vanessa Zimmerman, Chief Executive Officer, Pillar Two

Ms Luran Zanetti, Senior Lawyer, Human Rights Law Centre

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

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

Mr Christopher Scope (proxy), for Ms Petra Gartmann, Attorney General's Department (AGD)

Ms Larissa Harrison (proxy), Deputy Director, Strategic Power, United Worker's Union (UWU)

Observers

Mr John Southalan, Independent Examiner, AusNCP

Ms Shanta Martin, Independent Examiner, AusNCP

Ms Shiv Martin, Independent Examiner, AusNCP

Ms Aleta Moriarty, Independent Examiner, AusNCP (attended for complaint handling item)

Mr Edwin Sillence, AusNCP Secretariat

Ms Isobelle Ritchie, AusNCP Secretariat

APOLOGIES

Mr Tom Dickson, Senior Executive, AusNCP, Treasury

Ms Petra Gartmann, Assistant Secretary, Human Rights Branch, AGD

Ms Alison Drury, General Manager, Trade and Investment, Department of Industry, Innovation and Science

Ms Clare Middlemas, International Officer, Australian Council of Trade Unions

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

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

AGENDA

OPENING REMARKS AND APOLOGIES

Ms Llewellyn opened the virtual meeting and welcomed all attendees. Ms Llewellyn acknowledged the traditional owners of the lands on which the Board was attending the meeting and paid respects to elders past, present and emerging.

Ms Llewellyn welcomed new AusNCP Board member, Lauren Zanetti from Human Rights Law Centre.

Ms Llewellyn advised that the meeting was being recorded and as part of a trial, the meeting minutes would be prepared with the assistance of Microsoft co-pilot.

ACTIONS FROM LAST MEETING

Ms Llewellyn noted that the action item from the 1 November 2023 meeting was completed.

The action item was for the secretariat to establish a sub-committee of Board members to finalise the AusNCP complaint procedures. Sub-committee members provided feedback and discussed the draft AusNCP complaint procedures before they were published on the AusNCP website.

Action: AusNCP to publish summary of differences between 2019 AusNCP complaint procedures and 2024 AusNCP complaint procedures.

IMPROVING ENTERPRISE ENGAGEMENT WITH AUSNCP DISPUTE RESOLUTION

Shiv Martin, an Independent Examiner for the AusNCP spoke about the enterprise engagement project. The project aims to understand and improve the participation of enterprises in the dispute resolution service offered by the AusNCP. Ms Martin shared some data, challenges and benefits of enterprise engagement in AusNCP dispute resolution.

Ms Martin, AusNCP Board members and independent examiners had an initial discussion of the project and next steps, including broader consultation. Board members also made a number of suggestions for improvements to encourage greater understanding of the process and its potential benefits.

Action: AusNCP to circulate the slides from the presentation to AusNCP Board members and proxies for their feedback

AUSNCP DRAFT STAKEHOLDER ENGAGEMENT STRATEGY

A draft stakeholder engagement strategy 2024-25 (stakeholder engagement strategy) and a summary of promotion activities in 2023-24 was circulated ahead of the meeting.

Ms Ritchie gave an overview of the AusNCP draft stakeholder engagement strategy and promotion activities completed in 2023-24. The draft stakeholder engagement focuses on utilising the AusNCP's networks and raising awareness of the OECD Guidelines for Multinational Enterprises for Responsible Business Conduct among government, business, civil society and First Nations people.

Promotion activities in 2023-24 included appearances at the UN Global Compact Network Australia Human Rights Dialogue and the Australian Government Modern Slavery Conference.

Board members made suggestions including creating social media for independent examiners and AusNCP Board members to post themselves.

Ms Ritchie invited the AusNCP Board to identify further promotion opportunities and comments on the draft stakeholder engagement strategy out of session.

Action: AusNCP secretariat to review stakeholder engagement strategy considering AusNCP Board feedback, prior to finalising the strategy and commencing implementation.

BOARD MEMBER UPDATES

The Board members and the secretariat provided updates on policies or projects relevant to responsible business conduct or promotion related activities since the last Board meeting in November 2023.

Ms Llewellyn noted that elements of the Australian sustainable finance taxonomy (an Australian Sustainable Finance Institute-Treasury project) were out for consultation with further tranches later this year.

Ms Lilywhite provided an update on her work in Malaysia delivering training on the OECD Guidelines and NCPs through the Diplomacy Training program.

Ms Zimmerman shared that the United Nations Special Rapporteur on modern forms of slavery will be visiting Australia in November 2024, which may present opportunities for awareness raising.

AUSNCP COMPLAINT HANDLING

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

Mr Southalan, Ms Martin and Ms Moriarty 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 updates regarding conflicts of interest or new conflicts of interest.

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.

OTHER BUSINESS AND MEETING CLOSE

Ms Llewellyn thanked all board members and independent examiners for their contributions to the meeting. The next Board meeting will be held in the fourth quarter of 2024.