

# AusNCP Board meeting minutes

**Meeting date:** 6 November 2024

## ATTENDANCE

**Chairperson: Mr Tom Dickson**, Senior Executive, Australian National Contact Point for Responsible Business Conduct (AusNCP), Department of the Treasury (Treasury) (*partial attendance, exited meeting at 12:20pm*)

**Proxy Chairperson: Ms Laura Llewellyn**, Director, AusNCP Secretariat (Treasury)

**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) (*virtual attendance*)

**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 (*virtual attendance*)

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

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

**Mr Keiran O'Brien (proxy)**, for Ms Ayesha Nawaz, Human Rights Branch, Attorney-General's Department (AGD) (*virtual attendance*)

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

**Ms Clare Middlemas**, International Officer, Australian Council of Trade Unions (*virtual attendance*)

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

**Ms Donna Looney**, First Assistant Secretary, International Trade and National Security Division, Department of Industry, Science and Resources (DISR) (*virtual attendance*)

#### **OBSERVERS**

**Mr John Southalan**, Independent Examiner, AusNCP

**Ms Shanta Martin**, Independent Examiner, AusNCP

**Ms Shiv Martin**, Independent Examiner, AusNCP (*virtual attendance for complaint handling item*)

**Ms Aleta Moriarty**, Independent Examiner, AusNCP (*virtual attendance for complaint handling item*)

**Mr Edwin Sillence**, AusNCP Secretariat

**Ms Isobelle Ritchie**, AusNCP Secretariat

**Ms Stephanie Liu**, AusNCP Secretariat

#### **GUEST PRESENTER**

**Mr Aslan Mesbah**, Resources and Energy Section, Department of Foreign Affairs and Trade (DFAT)

**Mr Thomas Boak**, Resources and Energy Section, DFAT (*virtual attendance*)

#### **APOLOGIES**

**Mr Richard Emerson-Elliott**, Assistant Secretary, Free Trade Agreements and Stakeholder Engagement, DFAT

**Ms Lauren Zanetti**, Senior Lawyer, Human Rights Law Centre

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

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

# MINUTES

## 1. OPENING REMARKS AND APOLOGIES

Mr Dickson opened the meeting and welcomed attendees. Mr Dickson acknowledged the traditional owners of the lands on which the Board was attending the meeting and paid respects to elders past and present.

## 2. ACTIONS FROM LAST MEETING

Ms Ritchie noted all action items from the 29 May 2024 meeting were completed. These were for the AusNCP Secretariat (secretariat) to:

- publish the summary of differences between the previous AusNCP complaint procedures and the 2024 version
- circulate the slides from the improving enterprise engagement presentation from the 29 May 2024 Board meeting, and
- consider AusNCP Board member feedback to revise the stakeholder engagement strategy.

## 3. AUSNCP UPDATE

### Enterprise Engagement Project

**Mr Dickson** provided an overview of the project, led by Independent Examiner, Shiv Martin, which is aimed at improving the engagement of enterprises in the AusNCP complaints process, including identifying and overcoming perceived barriers to enterprises participating in dispute resolution (good offices).

The project has involved consultation with stakeholders, other NCPs and other grievance mechanisms. The next phase of the project will be to commence implementation of agreed recommendations.

Board members discussed the recommendations contained in the Board paper and provided feedback.

### **Action items**

Board members to provide further written comments on the recommendations, if they wish.

Secretariat to consult TUAC, incorporating key recommendations into implementation, as appropriate.

### OECD Developments

**Ms Llewellyn** provided an update on OECD Developments and noted the next block of OECD meetings will be held in Paris later in November, including a meeting of the Asia-Pacific NCP Regional Network (involving Japan, Korea, New Zealand and Australia).

It was noted that the agenda includes a session on the EU's Corporate Sustainability Due Diligence Directive (CSDDD) and its implications for the OECD Guidelines and NCPs, for both EU and non-EU countries.

Board members noted the strong interest in the implications of the CSDDD for Australian businesses and asked for the secretariat to consider an information session.

#### **Action Item**

Secretariat to follow up on the possibility of a stakeholder event on the OECD Guidelines and the CSDDD in 2025.

#### **4. GUEST PRESENTATION: MINING: INTERNATIONAL CONDUCT FRAMEWORKS (MR ASLAN MESBAH, DFAT)**

Guest presentation from Mr Aslan Mesbah, Director, Resources and Energy Section, DFAT. The presentation covered the Voluntary Principles on Security and Human Rights (Voluntary Principles Initiative, VPI), the Extractive Industries Transparency Initiative (EITI), and the Energy Resource Governance Initiative (ERGI).

#### **Action Item:**

DFAT and Secretariat to consider opportunities for further collaboration on responsible business conduct projects and outreach.

#### **5. UPDATE ON PROMOTION WORK**

**Ms Llewellyn** provided an update on key developments since the AusNCP Engagement Strategy 2024-25 was finalised:

- the AusNCP has committed to preparing information on the Employment chapter of the OECD Guidelines following a discussion with union representatives
- Appendix A of the AusNCP Engagement Strategy 2024-25 has been updated to record AusNCP's promotional efforts since the May 2024 Board meeting
- overseas promotion has occurred, including Ms Shanta Martin's presentation at the Asia Pacific Mediation conference in Port Moresby and Sarah McGrath from Pillar Two's presentation at the UN Responsible Business and Human Rights Forum, Asia Pacific in Bangkok, on behalf of the AusNCP.

#### **6. 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 May 2024.

- **Ms Zimmerman** shared Pillar Two is working with the Australian Mission in Geneva to co-host an event for Australian businesses and stakeholders in Geneva, as part of the UN Annual Forum on Business and Human Rights.
- **Ms Zimmerman** shared that a Global Compact Network publication will be released in a few weeks on how Australian companies are referencing broader human rights due diligence concepts over and above their modern slavery obligations, and some of the challenges.

- **Mr O'Brien** shared that the UN Special Rapporteur on contemporary forms of slavery would be visiting Australia between 14-27 November 2024. Mr O'Brien noted the AusNCP Secretariat are attending the session on Australia's response to supply chains. Mr O'Brien noted AGD could prepare a read-out after the visit if of interest to other Board members.
- **Ms Finlay** shared updates on behalf of the Australian Human Rights Commission. This included that the Sex Discrimination Commissioner has put out guidance, resources and training on the 'positive duty', the second launch of the National Anti-Racism Framework at the end of November, the visit of the Special Rapporteur (noted above) and commencing submissions for the UN Human Rights Council Universal Periodic Review (UPR) in 2026.
- **Ms Shanta Martin** shared she would be presenting a continuing professional development session to lawyers next week on greenwashing, corporate disclosure and litigation.
- **Ms Lillywhite** shared she delivered training through the Diplomacy Training Program (DTP) through the University of New South Wales earlier this year. Ms Lillywhite, in partnership with the Asia Indigenous Peoples Pact, delivered a training about the OECD Guidelines and how they can be used, as part of a 6-day training program on business and human rights. Ms Lillywhite noted the DTP is currently planning another training program for early next year on the nexus between business, human rights and corruption, and the energy and critical minerals sectors.
- **Ms Liu** provided an update on policy developments within Treasury, in relation to the draft Australian Sustainable Finance Taxonomy (consultation paper out for comment until 1 December 2024), and the Future Made in Australia initiative (bills currently in the Senate).

#### **Action Item:**

- AGD to prepare a readout of the Special Rapporteur on Modern Slavery's visit to Australia (14-27 November) for the other Board members.

#### **7. DISCUSSION ON ACTIVE COMPLAINTS WITH INDEPENDENT EXAMINERS**

*Board members absented themselves during this item according to declared interests and proxy member attendance, where necessary.*

**Mr Southalan, Ms Moriarty, Ms Shanta Martin and Ms Shiv 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 updated regarding existing or new conflicts of interest.

*Note: Due to the sensitive and confidential nature of the casework, detailed information has been excluded from these minutes.*

#### **8. 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 2025.