

## Three-part structure for impartiality

**Impartiality** and the active management of conflicts of interest are central to the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and to the Australian National Contact Point for Responsible Business Conduct (AusNCP).

The AusNCP has a three-part structure designed to support impartiality in resolving complaints.

The **AusNCP Secretariat**, within the Department of the Treasury, oversees the AusNCP (a non-judicial mechanism) and represents Australia internationally in relevant responsible business conduct fora.

**AusNCP Independent Examiners** manage complaints independently of government, in accordance with the AusNCP complaint procedures.

The **AusNCP Governance and Advisory Board** (the Board) is a multi-stakeholder oversight body that has representatives from government agencies, the business community, civil society and unions.



## Independent complaint handling

**AusNCP Independent Examiners** manage AusNCP complaints independently. Their responsibilities include:

- dispute resolution with parties
- examinations of issues accepted at the Initial Assessment phase
- preparing Final Statements, which may include findings on whether an enterprise's conduct was consistent with the OECD Guidelines
- undertaking Follow Up processes, where recommendations have been made in a previous Final Statement.

Independent Examiners declare their interests prior to being appointed and as new complaints are received. Independent Examiners are supported by the AusNCP Secretariat, with oversight from the Board.



## Complaint procedures and confidentiality


The **AusNCP complaint procedures** ensure that complaints are handled in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the OECD Guidelines.

The AusNCP complaint procedures govern how the AusNCP manages confidentiality, transparency and conflicts of interest, all of which support the impartial handling of complaints in line with the OECD Guidelines' Implementation Procedures.

AusNCP complaints are handled sensitively to balance confidentiality and transparency. Parties have opportunities to share information under confidential arrangements.

Information provided to the AusNCP will not be disclosed publicly or shared without the providing party's consent.

AusNCP Secretariat staff declare their interests in accordance with the Australian Public Service Values and Code of Conduct.



## Expert advice and oversight

The **Board** is equally weighted, with eight government members and eight external members. Board members provide impartial and forthright advice, drawing on their expertise, organisations and networks. The Board:

- reviews AusNCP statements and provides advice to Independent Examiners on complaints
- promotes the OECD Guidelines and encourages responsible business conduct within their own organisations.

The Board's Terms of Reference, meeting minutes and membership are publicly available on the AusNCP website. The Terms of Reference include a framework for the disclosure and management of Board members' interests.

Board members with conflicts are excluded from reviewing draft AusNCP statements, advising on relevant complaints, and receiving certain updates and briefings from Independent Examiners.