

Australian National Contact Point for Responsible Business Conduct (AusNCP)

What is the AusNCP?

The AusNCP:

- promotes awareness and uptake of the [OECD Guidelines for Multinational Enterprises for Responsible Business Conduct](#) (OECD Guidelines)
- provides a non-judicial and impartial dispute resolution mechanism for complaints about multinational enterprises and conduct that is allegedly inconsistent with the OECD Guidelines
- works with business, government agencies and non-government organisations to promote responsible business conduct and support Australia in meeting its OECD obligations, which derive from the [OECD Declaration on International Investment and Multinational Enterprises](#) (OECD Declaration) and associated OECD instruments.
 - Governments that have adhered to the OECD Declaration are expected to establish a National Contact Point (NCP) to further the effectiveness of the OECD Guidelines.

How is the AusNCP structured?

The AusNCP's hybrid structure seeks to support the implementation of the OECD Guidelines in specific instances, with a complaints process that is visible, accessible, transparent, accountable, impartial and equitable (using independent expertise), predictable, and compatible with the OECD Guidelines.

AusNCP Secretariat

The AusNCP Secretariat is part of the Department of the Treasury. It manages the AusNCP function, and represents Australia internationally in responsible business conduct fora.

Independent Examiners

Independent Examiners are contracted by the Secretariat to handle AusNCP complaints. This includes assessing complaints, providing dispute resolution services, and preparing public reports. Their decisions are independent of government.

AusNCP Governance and Advisory Board

The AusNCP Governance and Advisory Board is made up of members from government agencies, the business community, civil society and unions. Members provide advice to Independent Examiners, help ensure that the AusNCP is transparent and accountable, and promote the OECD Guidelines.

What are the OECD Guidelines?

The OECD Guidelines are comprehensive responsible business conduct standards that governments expect multinational enterprises to act consistently with.

- Multinational enterprises are expected to act in accordance with the OECD Guidelines for both their onshore and offshore business activities.
- The OECD Guidelines cover issues such as disclosure, human rights, the environment, consumer interests, competition and taxation.
- While following domestic laws remains the first obligation of enterprises, the OECD Guidelines encourage the positive contributions businesses can make to economic, environmental and social progress across a range of sectors.

How can enterprises ensure compliance with the OECD Guidelines?

The OECD publishes [Due Diligence Guidance for Responsible Business Conduct](#), as well as a range of other issue and sector-specific responsible business conduct due diligence guidance and tools to help enterprises implement the OECD Guidelines, such as:

- [OECD Due Diligence Guidance for Responsible AI](#)
- [Managing Climate Risks and Impacts](#)
- [Responsible Supply Chains in the Garment and Footwear Sector](#)
- [Meaningful Stakeholder Engagement in the Extractive Sector](#)
- [Responsible Agricultural Supply Chains](#)
- [Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#).

Complaints overview

What can be complained about?

Complaints may be made to the AusNCP about a multinational enterprise operating in or from Australia, whose conduct is allegedly inconsistent with one or more specific parts of the OECD Guidelines.

The AusNCP complaints process aims to facilitate voluntary dialogue and negotiated outcomes between ‘notifiers’ (or submitters) and the ‘enterprises’ that are the subject of their complaints.

The AusNCP complaints process can involve many phases and stages, and not all complaints will be accepted. For example, commercial, consumer, contractual or employment-related disputes are unlikely to be considered by the AusNCP.

Who can make a complaint?

The AusNCP complaints process is only relevant if you:

- can identify how an enterprise’s conduct is allegedly inconsistent with the OECD Guidelines
- are prepared to engage in ‘good faith’, with the aim of arriving at a mutually agreed resolution that is consistent with the OECD Guidelines.

‘Notifiers’ of AusNCP complaints should have some interests in the matters that they seek to raise.

- Individual(s) or group(s) may have an interest, where they have been allegedly impacted by a multinational enterprise’s conduct (and that conduct is covered by the OECD Guidelines).
- Organisations may also have an interest in a multinational enterprise’s conduct, including where they represent impacted individual(s) or group(s), or where their mandate(s) or objective(s) relate to specific responsible business conduct expectations and a specific instance enlivens them.

How are complaints made?

AusNCP complaints may be submitted at this webform: www.ausncp.gov.au/complaints/submit-complaint.

Notifiers should familiarise themselves with the [AusNCP complaint procedures](#) and [privacy collection notice](#), and the [OECD Guidelines](#), prior to submitting a complaint.

What needs to be included in a complaint?

The [complaint webform](#) on the AusNCP website outlines the information required to submit a complaint. This includes:

- information about the notifier(s), including their authority to represent (if applicable) and attempts made to resolve the issue(s) with the enterprise(s)
- details about the situation and the alleged issues, including how they relate to the OECD Guidelines
- information about the multinational enterprise(s) that are the subject of the complaint, including their links to Australia and the issue(s) raised
- outcomes sought by the notifier(s) through the AusNCP complaints process (e.g. actions the multinational enterprise should take to resolve the situation or prevent it from recurring)
- any other information relevant to the assessment of the complaint, including a list of supporting documents and parallel proceedings (if applicable).

Indicative timeframes for the AusNCP process

The AusNCP complaints process can take up to 12 to 14 months* to finalise (see below).

Phase	Duration
<u>Phase 1</u> : Coordination with other NCPs (to determine the lead NCP) and an Initial Assessment	5 months (2 months for Coordination, and 3 months for an Initial Assessment)
<u>Phase 2</u> : dispute resolution (good offices)	6 months , but will vary from case to case
<u>Phase 3</u> : Final Statement	3 months
Total	14 months
<u>Phase 4</u> : Follow Up	determined in consultation with the parties

* *these timings will vary from complaint to complaint*

Find the right complaint pathway

The AusNCP may not be the right pathway to handle a given complaint. For matters falling within any of the categories below, it is recommended that the relevant bodies listed there be contacted in the first instance.

General consumer complaints

Federal (to report a potential consumer issue, not resolve an individual complaint)	Australian Competition and Consumer Commission
New South Wales	NSW Fair Trading
Victoria	Consumer Affairs Victoria
Queensland	Office of Fair Trading
Western Australia	Department of Local Government, Industry Regulation and Safety
South Australia	Consumer and Business Services
Tasmania	Consumer, Building and Occupational Services
Australian Capital Territory	Access Canberra
Northern Territory	Northern Territory Consumer Affairs

Industry-specific complaints

Financial products and services	Australian Financial Complaints Authority
Phone and internet	Telecommunications Industry Ombudsman
Certain airlines in Australia	Airline Customer Advocate

Employment disputes

Federal (note the differences between the two listed bodies)	Fair Work Ombudsman
	Fair Work Commission
New South Wales	SafeWork NSW
Victoria	WorkSafe Victoria
Queensland	Workplace Health and Safety Queensland
Western Australia	WorkSafe Western Australia
South Australia	SafeWork SA
Tasmania	WorkSafe Tasmania
Australian Capital Territory	WorkSafe ACT
Northern Territory	NT WorkSafe

Other matters

Suspected misconduct relating to a company's management, directors or officers may be reported to the Australian Securities and Investments Commission if it falls within its regulatory responsibilities.	Australian Securities and Investments Commission
The Australian Taxation Office provides a tip-off form for reporting suspected tax and non-tax behaviours of concern. This form allows you to remain anonymous.	Australian Taxation Office

<p>Unfair, anti-competitive or misleading conduct allegedly affecting a business may be reported to the Australian Competition and Consumer Commission.</p>	<p>Australian Competition and Consumer Commission</p>		<p>Queensland Department of the Environment, Tourism, Science and Innovation</p> <p>Western Australian Environmental Protection Authority</p> <p>South Australia Environment Protection Authority</p> <p>Tasmania Environment Protection Authority</p> <p>Australian Capital Territory Environment Protection Authority (within Access Canberra)</p> <p>Northern Territory Environment Protection Authority</p>
<p>Complaints regarding alleged discrimination or breaches of human rights may be submitted to the Australian Human Rights Commission.</p> <p>Each Australian state and territory also has an authority responsible for anti-discrimination matters.</p>	<p>Australian Human Rights Commission</p> <p>Anti-Discrimination New South Wales</p> <p>Victoria Equal Opportunity and Human Rights Commission</p> <p>Queensland Human Rights Commission</p> <p>Equal Opportunity Commission of WA</p> <p>Equal Opportunity SA</p> <p>Office of the Anti-Discrimination Commissioner Tasmania</p> <p>ACT Human Rights Commission</p> <p>Northern Territory Anti-Discrimination Commission</p>		
<p>For alleged violations of Australia’s sanctions laws, please contact the Australian Sanctions Office.</p>	<p>Australian Sanctions Office</p>		
<p>Each Australian state and territory has its own authority responsible for overseeing environmental regulation.</p>	<p>NSW Environment Protection Authority</p> <p>Environment Protection Authority Victoria</p>		

How to find out more about possible next steps?

To learn more about the different phases of the complaints process and possible next steps, please visit: www.ausncp.gov.au/complaints/complaints-process. Alternatively, you can contact the AusNCP Secretariat at Secretariat@ausncp.gov.au or +61 2 6263 2224.

If a complaint is accepted after an Initial Assessment, AusNCP-facilitated dispute resolution will be offered to the parties involved. This phase aims to contribute positively to resolving the issues raised in an AusNCP complaint. Engagement during this process relies on good faith participation, is generally led by an Independent Examiner, and may include conciliation, mediation or other structured discussions.

AusNCP complaints always conclude with a Final Statement. This statement may include findings on whether the relevant enterprise(s) acted consistently with the OECD Guidelines, where an examination has taken place. An Independent Examiner will generally only examine the issues at hand where a resolution cannot be reached during dispute resolution, or if an enterprise declines to participate in dispute resolution or later withdraws from that phase of the process.