# AusNCP Independent Examiner - Position Description

The Australian National Contact Point (AusNCP) Independent Examiner (Examiner) will independently manage all specific instance complaints (cases) brought to the AusNCP, including communication and conciliation with parties to a case, decision making and writing statements for publication. The Examiner will be supported by a multi-stakeholder Governance and Advisory Board (Board) a secretariat in the Department of the Treasury (Treasury). The Examiner will also assist to promote the AusNCP and the *OECD Guidelines for Multinational Enterprises* (the Guidelines).

The Examiner will be contracted and remunerated by Treasury, but is authorised to publicly share their independent views and make recommendations regarding the conduct of multinational enterprises named in cases brought to the AusNCP. They will exemplify personal drive, integrity, credibility and excellent stakeholder engagement skills.

### Duties

* Manage all specific instance cases, including:
  + consideration of issues raised, conciliation and decision-making consistent with published procedures;
  + lead all communication with parties to a case, coordinating with the Secretariat;
  + write all statements for publication on the AusNCP website, including the rationale behind key decisions and any recommendations;
  + provide updates to and seek advice from the Board, particularly in relation to geopolitical sensitivities, including attend Board meetings as an observer; and
  + ensure adequate records are maintained through the Secretariat.
* Advise Treasury on opportunities to improve the effectiveness of the AusNCP, including on operational and structural matters, and OECD policy and program developments.
* Contribute to the promotion of the Guidelines and AusNCP, as requested by Treasury, undertaking a minimum of two domestic events annually.
* **The Independent Examiner will not:**
  + **make decisions about resources, reporting or other organisational matters, however will be invited to provide advice to Treasury as needed; and**
  + **represent Australia at international forums, including the OECD, unless agreed with Treasury.**

### Remuneration

The contract is for a one year period, with provision for two extensions of one year each. The annual contract value includes a $50,000 retainer fee covering up to 34 days of work (including cases, advice, meetings and events) and a daily rate of $1,469 covering any work above 34 days (to a maximum of an additional 34 days, as commissioned by Treasury). All travel and incidental costs will be met by Treasury. Treasury anticipates approximately one day per week commitment, including 6-8 domestic day trips.

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### About The AusNCP

The Australian National Contact Point (AusNCP) implements the *OECD Guidelines for Multinational Enterprises* (the Guidelines) by promoting responsible business conduct to multinational enterprises (MNEs) and handling grievances.

The Guidelines provide voluntary principles and standards of conduct that aim to promote an atmosphere of mutual confidence between MNEs and the societies in which they operate. They span a diverse range of issues including disclosure, human rights, employment and industrial relations, environment, bribery and extortion, consumer interests, science and technology, competition and taxation.

The AusNCP is the only non-judicial complaint handling mechanism of its kind currently in Australia and has been used successfully to resolve disputes. Treasury publishes the outcomes of the grievance handling process. The AusNCP is also promotes the Guidelines through outreach activities.

### About the Role

Treasury is seeking a suitably qualified and experienced person to hold the position of AusNCP Independent Examiner for an initial 12 month period (commencing in 2019).

We want to hear from passionate professionals who are willing to navigate through sensitive geopolitical and commercial issues, within a non-judicial OECD framework, in order to resolve conflicts involving allegations of misconduct by MNEs.

The role involves working with a small secretariat in Treasury and the Board to raise awareness of the AusNCP’s services, promoting and encouraging adherence to the Guidelines.

The AusNCP works closely with businesses, non-government organisations, academics, unions, the OECD and a broad range of government departments. For more information, visit [www.ausncp.gov.au](http://www.ausncp.gov.au/).

There are no mandatory requirements for the role, but qualifications or significant experience in mediation, international law and/ or corporate governance are desirable. Candidates will also be able to demonstrate the ability to build strong relationships with international and domestic civil society organisations and MNEs of various sizes.

The role is offered on a part time basis with a minimum retainer, with provision for additional remuneration at a daily rate depending on case workload. The successful person will be contracted to Treasury and will be required to enter into a confidentiality agreement and declare all potential conflicts of interest. Provided there are no significant conflicts of interest or availability, the successful candidate will be able to maintain other employment for the duration of the role.

### Approach to Market

A draft contract and evaluation information is available via AusTender ([www.tenders.gov.au](file:///C:/Users/alb/AppData/Local/Microsoft/Windows/Temporary%20Internet%20Files/Content.Outlook/VEK6PHDH/www.tenders.gov.au) - refer to TSY RFT 003/19). Any applications received outside of AusTender will not be considered. Enquiries can be directed to Ms Amy Burke via email: [ancp@treasury.gov.au](mailto:ancp@treasury.gov.au). Outcomes will not be notified before May 2019.