

Governance and Advisory Board Meeting

Australian National Contact Point for Responsible Business Conduct

MINUTES

10.00am – 1.00 pm Thursday 25 May 2023

Attendance via Video conference

Chairperson: Mr Tom Dickson, Senior Executive, Australian National Contact Point for Responsible Business Conduct (AusNCP), Department of the Treasury (Treasury)

Observers:

Mr John Southalan, Independent Examiner, AusNCP

Ms Shanta Martin, Independent Examiner, AusNCP

Board members:

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

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

Ms Kate Prior, Head of Legal, Export Finance Australia (EFA)

Mr Adam McKissack, General Manager, Policy and Portfolio Strategy, Department of Climate Change, Energy, the Environment and Water (DCCEEW)

Ms Victoria Bennett, Acting Assistant Secretary, Integrity and Criminal Law, Attorney-General's Department (AGD)

Ms Kim Worthington, Department of Industry, Science, Energy and Resources (DISER) in place for Alison Drury

Mr Chris Barnes, Director Trade Policy and International Relations, Australian Chamber of Commerce and Industry (ACCI)

Ms Clare Middlemas, International Officer, Australian Council of Trade Unions (ACTU)

Ms Vanessa Zimmerman, Chief Executive Officer, Pillar Two

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

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

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

AusNCP Secretariat:

Ms Laura Llewellyn, Director, AusNCP, Treasury

Ms Michelle Evans, Assistant Director, AusNCP, Treasury

Ms Kate Wilson, Assistant Director, AusNCP, Treasury

Ms Carmela Magnocavallo, Secretariat, AusNCP, Treasury

Ms Isobelle Ritchie, Secretariat, AusNCP, Treasury

Apologies

Ms Freya Dinshaw, Legal Director, Human Rights Law Centre (HRLC) and Member, Australian Corporate Accountability Network (ACAN)

Ms Alison Drury, General Manager, Trade and International, Department of Industry, Science, Energy and Resources (DISER)

Mr Pero Stojanovski (proxy member), Deputy Chief Economist, Business Council of Australia (BCA)
Mr Peter Scott, Acting Assistant Secretary, Competitiveness and Business Engagement, Department of Foreign Affairs and Trade (DFAT)
Ms Shiv Martin, Independent Examiner, AusNCP

Agenda

1. Opening remarks and apologies

Mr Dickson opened the meeting and welcomed all attendees to the AusNCP Governance and Advisory Board (the Board) meeting. Mr Dickson acknowledged the traditional owners of the lands on which the Board was meeting and paid respects to elders past, present and emerging.

2. Action items from last meeting

Mr Dickson noted that all action items from the 21 November 2022 meeting were completed.

The action items included promotion-related engagement with Board member organisations, establishing an Interests Register for Independent Examiners and seeking interest from Board members to hold a roundtable on OECD Guidelines revision.

3. Update from the AusNCP

A summary of changes to the OECD Guidelines and AusNCP procedures was circulated ahead of the meeting.

Ms Ritchie and Ms Llewellyn gave updates on the AusNCP Secretariat's work with the OECD on responsible business conduct through the Working Party on Responsible Business Conduct and the Network of National Contact Points. Key items included: work on updating the OECD Guidelines and changes to the procedural guidance for NCPs.

Board members asked questions about the application of the updated OECD Guidelines and the AusNCP's plan for implementation.

4. Guest speaker: Dr Pichamon Yeophantong, Chair, UN Working Group on Business and Human Rights

Dr Yeophantong, Chair of the UN Working Group on Business and Human Rights gave an overview on her role as Chair of the UN Working Group on Business and Human Rights and the links between the work of the Working Group and responsible business conduct. The overview covered the Working Group's mandate, areas of focus and latest activities.

The Secretariat and Board members asked questions about alignment between the updated OECD Guidelines and the UN Guiding Principles and related topics.

5. Proposed AusNCP promotion work for 2023-24

The 2023-24 AusNCP Engagement Strategy was circulated ahead of the meeting.

Ms Wilson gave an overview of the AusNCP's recent promotional efforts which included reaching industry and environmental law association events in Perth, increased engagement through social media and the launch of a new AusNCP website.

Ms Wilson asked the Board to identify opportunities to improve whole-of-government promotion through events and communication products.

Board members made suggestions of community groups and business sectors which may benefit from raised awareness of the OECD Guidelines, such as civil society organisations and high-risk industries (extractives and infrastructure). There were several suggestions for the AusNCP to establish its own LinkedIn profile to improve outreach with target audiences.

Ms Prior identified an upcoming Bribery Prevention Network webinar that EFA are involved in and invited the AusNCP to send material on the OECD Guidelines for inclusion.

Ms Wilson asked Board members to consider opportunities (events, training, communication channels) managed by Board organisations that might be suitable for AusNCP promotion.

Action: Secretariat will record list of Board member achievements related to RBC promotional efforts.

Action: Board members will bring any opportunities to promote the Guidelines and the NCP through their organisations to the Secretariat's attention.

6. Board Governance

Current Register of Interests

Mr Dickson shared that the current interests register was circulated with the Board papers for this meeting.

Board members were reminded to keep the Secretariat informed about any new interests.

7. Other business and meeting close

Mr Dickson thanked all Board members and Independent Examiners for their contributions to the meeting. Next Board meeting will be held in October or November 2023.

8. Discussion about acting and recently closed complaints

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

Mr Southalan, Ms Martin and Ms Llewellyn provided an update on the AusNCP's current active cases. Board members provided feedback on the handling of each case.

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.