

# Have your say!

## Revised AusNCP Complaint Procedures

Feedback is invited from interested stakeholders on draft revised **AusNCP complaint procedures**.

The procedures have been revised to reflect the 2023 updates to the [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#) (OECD Guidelines). The revisions also aim to improve the accessibility of the document and ensure the AusNCP complaint process is as clear as possible to both notifiers and enterprises that are subject to complaints.

The consultation period opens on 25 September 2023. Please provide your feedback using the form, linked on the AusNCP website: [www.ausncp.gov.au/whats-happening/news](http://www.ausncp.gov.au/whats-happening/news) by 16 October 2023.

The table below contains a non-exhaustive summary of the revisions to assist you with providing feedback.

General information about the AusNCP complaints process and copies of previous versions of the procedures are available at [www.ausncp.gov.au/complaints/complaints-process](http://www.ausncp.gov.au/complaints/complaints-process).

## 2023 revised AusNCP complaint procedures - what's changed?

### 1. Introduction

This section has been revised to improve accessibility and understanding of the AusNCP's role and to reflect the new core effectiveness criteria from the OECD Guidelines.

### 2. Submitting a complaint

This section now includes an expectation about good faith participation in the complaints process, and an additional clause to reflect current practice that complaints need to demonstrate a link to Australia.

### 3. Independent Examiners – now a separate chapter

This section consolidates the practical information about Independent Examiners, moving it from the glossary into the body of the AusNCP Complaint Procedures.

### 4. Initial assessment

This section contains revised or new text about:

- complaint information published on the AusNCP website, including when an enterprise is publicly named
- the process for the initial assessment
- coordinating and transferring complaints to other National Contact Points (NCPs)
- revised criteria to assess complaints, consistent with updates to the 2023 OECD Guidelines
- a clause that formalises the current practice to publish initial assessment statements

### 5. Good offices

This section contains revised or new text about:

- the good offices process, including how alternative dispute resolution professionals may be used
- clarifying the circumstances when good offices would be discontinued
- the circumstances when a complaint is withdrawn

### 6. Examination

Information about examination moved to a new section.

This section contains revised or new text about:

- providing greater clarity on the circumstances which give rise to an examination
- articulating the objective of an examination
- how information will be sought and used from the parties and external sources, including steps to ensure procedural fairness

### 7. Final statement

This section contains revised or new text about:

- the purpose and content of a final statement
- clear articulation of procedural fairness elements – information shared between parties and information used by the Examiner
- when a final statement will be drafted

### **8. Case follow up**

Updates to the Examiner’s role in the follow up process

### **9. Procedural review**

Edits that clarify Procedural Review process and the distinct roles of the AusNCP Secretariat and Examiner

### **10. Timing**

Revised indicative timeframe table to align with OECD indicative timeframes

### **11. Confidentiality, transparency, and conflict of interest**

New text containing more detail on conflict of interests frameworks for the AusNCP Governance and Advisory Board and Examiners.

### **12. Transitional Arrangements**

Minimal changes to ensure clarity

### **13. Glossary**

Moved to the end of the document.

New or revised definitions and descriptions for:

- AusNCP
- Examination
- Good faith
- Notifier
- OCED Guidelines for Multinational Enterprises on Responsible Business Conduct
- Due Diligence

### **Attachment A – AusNCP Complaint handling Procedures**

Simpler diagram now included as an appendix