



Comments to the Australian National Contact Point for Responsible Business Conduct (AusNCP): Complaint procedures - proposed Initial Assessment changes

20 April 2026

- *Business at OECD* (BIAC) is supportive of this proposal to allow the AusNCP secretariat to triage complaints and undertake the Initial Assessment where the matters are not complex and/or the complaint does not meet criteria of the OECD Guidelines.
- As the AusNCP has received an increased number of complaints in recent years, with many of these not meeting the criteria of the OECD Guidelines, we view these proposed changes as a positive development that will improve the functioning of the AusNCP and its capacity to deal with legitimate complaints. In this context, we offer the following observations.

Comments

- **Alignment with the OECD MNE Guidelines and Implementation Procedures:** *Business at OECD* strongly supports National Contact Points (NCPs) developing or updating rules of procedure that are in line with the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct and their Implementation Procedures. Ensuring full alignment is essential to maintain consistency and a level-playing-field across all NCPs. In this regard, it is important that new provisions introduced at national level do not go beyond, reinterpret, or introduce new obligations not foreseen in the OECD MNE Guidelines or their Implementation Procedures.

We are confident that the AusNCP secretariat has the expertise and familiarity with the OECD Guidelines to determine whether a complaint meets the criteria and to undertake the Initial Assessment.

- ***Business at OECD* is concerned by two main issues which these proposed Initial Assessment changes will help address. These issues are the following:**
 - (1) that the AusNCP is increasingly being used for nuisance and vexatious claims against Australian businesses, including being spammed with AI generated complaints.
 - (2) that the AusNCP is being used as the 'court of last resort,' where complainants view the AusNCP good offices as an opportunity to gain a favourable outcome through mediation after they have exhausted all other regulatory and legal avenues to progress their grievance.

Allowing the AusNCP secretariat to undertake the Initial Assessment will screen out these nuisance and vexatious claims, so that only legitimate complaints go forward to the independent examiners. This will free up the time of the independent examiners to focus on a detailed assessment of legitimate complaints, good offices/mediation and their final determination. This also ensures complaints are dealt with in a timely manner and not held up due to lack of resources.

- **Appreciation of sufficient safeguards and independent examiners:** *Business at OECD* appreciates that the proposal includes sufficient safeguards, including consultation with the independent examiners and the right of veto by the AusNCP Board. We also support the requirement that two categories of complaints be examined by an independent examiner: (1) complaints submitted by NGOs or unions, and (2) complaints concerning government policy.