



FROM THE CHARGÉE D'AFFAIRES &
DEPUTY PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION
TO THE UN GENEVA

14 March 2025

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Officer-in-Charge
Special Procedures Branch
Office of the High Commissioner for Human Rights
Palais des Nations
121 Geneva 10
SWITZERLAND

Reference: AL AUS 1/2025

Dear ██████████

Thank you for your correspondence of 14 January 2025 in relation to a Joint Communication from a number of Special Procedures Mandate Holders.

Australia is strongly committed to protecting and promoting universal human rights. The Australian Government works to advance human rights globally through Australia's bilateral relationships, development assistance and engagement with civil society, as well as Australia's engagement in regional and multilateral fora, including the United Nations Human Rights Council and the Third Committee of the UN General Assembly.

The Australian Government expects Australian businesses operating in Australia and abroad to act responsibly, including by following relevant laws and considering the human rights impacts of their operations. The Australian Government is committed to promoting responsible business conduct, recognising that businesses can play a major role in contributing to economic, environmental and social progress.

Commitment to business and human rights

Businesses domiciled in Australia and/or within Australia's jurisdiction must comply with all Australian laws and are expected to consider the human rights impacts of their operations.

As a co-sponsor of the resolution that adopted the UN Guiding Principles on Business and Human Rights (UNGPs), the Australian Government has been committed to supporting the UNGPs since their adoption in 2011. The UNGPs provide an important framework for ensuring better standards and practices by states and businesses regardless of their size, sector, location, ownership and structure. The Australian Government encourages businesses to apply the UNGPs in their operations in Australia and abroad, and reinforces our support for the UNGPs through initiatives including the adoption of the OECD Guidelines for

Multinational Enterprises on Responsible Business Conduct (OECD Guidelines) and implementation of the *Modern Slavery Act 2018* (Cth) (MS Act).

Australia is adherent to the OECD Guidelines which contain internationally agreed responsible business conduct standards with which the Australian Government expects multinational enterprises to comply. The OECD Guidelines contain a human rights chapter that draws on, and is aligned with, the UN ‘Protect, Respect and Remedy’ Framework and the UNGPs that operationalise that framework.

The Australian Government expects multinational enterprises operating in Australia and Australian multinational enterprises operating abroad to act in accordance with the principles set out in the OECD Guidelines and to perform to the standards they recommend. These standards include conducting effective human rights due diligence, as appropriate to the size of the enterprise, the nature and context of operations and the severity of the risks of adverse human rights impacts.

The Australian National Contact Point for Responsible Business Conduct (AusNCP) at the Treasury leads the Australian Government’s work raising awareness of the OECD Guidelines among Australian companies. It does this by maintaining a website (ausncp.gov.au), holding public webinars, promoting the OECD Guidelines and related due diligence processes on Australian Government social media accounts, and ensuring the OECD Guidelines are referenced in online material available to companies. For example, a summary of the OECD Guidelines is available on Australia’s trade promotion agency, Austrade’s, online Market Profile for Thailand – a key government source of information for Australian companies doing business in Thailand.

The Australian Government also takes a global leadership role in combating modern slavery through its implementation of the MS Act. The MS Act provides a transparency framework to drive business action to address modern slavery risks in global operations and supply chains. It is one of a few legislated frameworks in the world. It was the first act to define modern slavery, require government reporting, and to establish a government -hosted online register of statements.

Under the MS Act, businesses based or operating in Australia with at least AUD100 million in annual consolidated revenue must submit an annual modern slavery statement setting out how they assess and address modern slavery risks, including due diligence and remediation processes, in their global operations and supply chains. Entities under the threshold may submit voluntary statements. The Australian Government publishes these statements on the Modern Slavery Statements Register (Register). The requirement to report annually under the MS Act encourages entities to continually assess their modern slavery risks and improve their responses over time.

As of 19 February 2025, over 12,400 statements have been published on the Register covering entities headquartered in over 63 countries. In addition, there have been more than 5.12 million searches on the Register, indicating a high level of interest in entities’ approaches to managing modern slavery risks.

Australia continues to bolster these efforts. In November 2024, we appointed our first national, independent Anti-Slavery Commissioner.

Additionally, the Australian Government provides guidance to businesses that engage in human rights due diligence under the UNGPs in its Guidance for Reporting Entities under the Act.

Guidance to business

The Australian Government makes guidance available for how Australian-domiciled enterprises should conduct human rights due diligence through its websites (for example, on the AusNCP, Export Finance Australia, Austrade and websites for specific diplomatic missions), social media content and public webinars. Austrade's landing pages for Australian exporters and for international investors and buyers, and Austrade's 'Go Global Toolkit' on all market profiles, outline the requirement for Australian businesses operating domestically and overseas to adhere to the OECD Guidelines. In addition, Austrade's client services agreement mandates that all businesses that it provides services to adhere to the OECD Guidelines and ensure their subcontractors and other associates do the same. Any material the Australian Government publishes or promotes through these methods direct enterprises to the due diligence resources available on the AusNCP's website: ausncp.gov.au/responsible-business-conduct/due-diligence-guidance.

These materials include a copy of the OECD Due Diligence Guidance for Responsible Business Conduct (OECD Due Diligence Guidance). The OECD Due Diligence Guidance highlights that meaningful stakeholder engagement is important throughout the due diligence process and especially when an entity is identifying actual or potential adverse human rights impacts in the context of its own activities. In this regard, the Guidance draws attention to the principle of free, prior and informed consent, as set out in Articles 19 and 32 of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and the application of this principle in the context of the approval of projects affecting the land and territories or other resources of Indigenous Peoples. Australia supports the UNDRIP and shares its underlying commitment to deliver real and lasting improvements for Indigenous Peoples and their communities. This is reinforced in the OECD Due Diligence Guidance for Meaningful Stakeholder Engagement in the Extractive Sector available via the same link.

OECD Complaints mechanism

As an adherent to the OECD Declaration on International Investment and Multinational Enterprises, the Australian Government operates the AusNCP mechanism. The AusNCP provides a complaints mechanism for individuals or communities who allege a multinational enterprise in Australia, or an Australian multinational enterprise operating overseas, has through its own activities caused or contributed to adverse human rights impacts, or is directly linked by a business relationship to such impacts through their operations, products or services. A number of enterprises have participated, or are participating in, the AusNCP complaints mechanism. To encourage enterprise participation, the AusNCP makes clear the Australian Government's expectation that enterprises participate and that the complaints mechanism, being non-judicial and non-adversarial, is a simple and efficient means for enterprises to resolve issues with key stakeholders and maintain their social licence to operate. An OECD peer review of the AusNCP conducted in 2021 found it was adequately resourced and operating effectively.

As set out in this response, Australia implements practical and targeted guidance to encourage Australian-domiciled businesses to consider the human rights impacts of their operations. Notwithstanding, Australia would like to note that the Joint Communication refers to a number of human rights that are not clearly established as a matter of international law.

I trust this information is of assistance. I have copied this letter to the Australian Ambassador to Thailand, who has been briefed on the matter and will continue to monitor the situation.

Yours sincerely,



Ambassador Emily Roper
Chargée d'affaires
Deputy Permanent Representative
Australian Permanent Mission to the United Nations in Geneva