18 September 2016

**Subject: Australian Government Response to the Working Group on the issue of human rights and transnational corporations’ survey on the implementation of the Guiding Principles on Business and Human Rights: National Action Plans on Business and Human Rights**

The Department of Foreign Affairs and Trade hereby presents the Australian Government’s response to the Working Group on the issues of human rights and transnational corporations’ survey on the implementation of the Guiding Principles on Business and Human Rights: National Action Plans on Business and Human Rights.

**Question 1**

In 2011 Australia co-sponsored the Human Rights Council resolution endorsing the UN Guiding Principles on Business and Human Rights (UNGPs).

In its response to recommendations in its second Universal Periodic Review (2015), the Australian Government made a voluntary commitment to undertake a national consultation on the implementation of the UNGPs during 2016. The consultation is being led by the Department of Foreign Affairs and Trade (DFAT), working closely with the Attorney-General’s Department (AGD) and other relevant agencies.

Initial consultations have taken place with business and civil society stakeholders and the Government is considering options for further consultation including through the development of a multi‑stakeholder advisory group. The Government is also undertaking a stocktake of Australian laws and policies and business practices relevant to the UNGPs.

Given the early stages of the process being undertaken by the Australian Government, it is not yet possible to describe specific outcomes.

**Question 2**

The Australian Government has considered the Working Group’s guidance in planning its consultation on the implementation of the UNGPs. The Guidance helpfully outlines a five-phase process for states to follow. Correctly, the 15 steps which make up these phases are identified as ‘recommendations and good practice’. It is important that the Guidance continues to recognise that there is no ‘one-size-fits-all approach’. In making any amendments to its guidance, the Working Group should ensure that it is not overly prescriptive and that it continues to facilitate states undertaking processes which are adapted to their localised national context.

The Australian Government will be able to further consider the effectiveness of the Guidance as it progresses through its consultations and if it is helpful to the Working Group can provide further comment in due course.

**Question 3**

N/A

**Question 4**

N/A