**The State Duty To Protect**

**Government experiences and steps take towards implementing the Guiding Principles and identifying opportunities for implementation.**

**Intervention by Australia**

The Australian Government is delighted to be participating in this inaugural Forum. We particularly welcome the significant attendance and participation from stakeholders around the world, including the distinguished panellists. This strong participation demonstrates the breadth and depth of the interest in this important topic.

Like many of the countries that we have heard from so far today, the Australian Government is continuing to develop our national capacity to implement and promote initiatives on business and human rights. Naturally, this includes a number of international initiatives, which Australia is pleased to support, including

* + - the Guiding Principles;
    - the Global Compact; and
    - the OECD Guidelines for Multinational Enterprises.

I am also pleased to confirm that Australia has recently decided to join the Voluntary Principles on Security and Human Rights. The Voluntary Principles already enjoy wide support from the Australia mining industry, but we consider there is good scope work further with small and medium –sized Australian companies in particular, especially as Australian investment in the mining sector around the world continues to grow.

As well as supporting these international initiatives, Australia has adopted a number of policies to help promote business and human rights to Australian companies. We encourage all Australian companies operating overseas to seek legal advice in the jurisdiction in which they operate to help ensure that those companies properly observe local laws; Australian laws that apply extraterritorially, and internationally recognised standards for corporate social responsibility.

We also have a number of industry and country-specific programs:

* For example, Australia’s new ‘Myanmar Market Profile’ provides advice on conducting business in Myanmar and encourages companies to adhere to the highest standards of corporate behaviour, including the Guiding Principles. The Market Profile also recommends highlights the importance of obtaining legal and tax advice, and to undertake appropriate due diligence checks.
* By way of another example, the Australian Government conducts regular outreach to Australian companies operating in Africa, including seminars targeted at the mining industry on ‘trading with integrity’. The seminars highlight those Australian laws that apply to Australian companies trading internationally, and focus on international best practice principles such as the Guiding Principles and the Voluntary Principles.

In Australia, we continue to review our own implementation of business and human rights.

In May 2011, we wrote to 186 Australian businesses, industry associations and NGOs seeking their views on a range of corporate social responsibility issues, including the then draft Guiding Principles. In October 2012, the Government wrote to 207 businesses and NGO organisations to seek their views on the implementation of the UN Guiding Principles on Business and Human Rights since their adoption.

This was a very useful exercise to survey current levels of understanding and implementation of the Guiding Principles. Importantly, stakeholders widely acknowledged that the conduct of Australian companies reflects upon the entire nation as well as the Government.

We would like to highlight just some of the suggestions that we received through this process, aimed at furthering the implementation of the Guiding Principles:

* Stakeholders suggested that the Government further promote and educate business to raise awareness of companies’ obligations under the UN Guiding Principles. This could include developing national guidelines for business detailing how to act in relation to human rights both nationally and internationally.
* Stakeholders suggested that whole-of-government policy on business and human rights – based on the Guiding Principles – could be further strengthened, for example by
  + establishing an oversight mechanism and a plan for communicating and socialising the Guiding Principles;
  + establishing the Government’s human rights objectives and priorities and setting out measurable commitments;
  + establishing a multi-stakeholder forum on business and human rights within Australia, to promote dialogue amongst stakeholders on business and human rights.
* Stakeholders suggested the implementation of a domestic reporting requirement under Australian law for businesses to report on their progress in implementing/complying with the UN Guiding Principles in relation to their business onshore and offshore
* Stakeholders suggested that the Government could seek to promote discussion of the UN Guiding Principles in other eminent international for a, such as the G20.
* Stakeholders proposed requiring contractual undertakings to adhere to UN Guiding Principles within international procurement contracts.

It is early days for all of us in promoting and implementing the Guiding Principles. The Australian Government has welcomed the input we have received from all stakeholders so far, and we wanted to share some of these recommendations in this Forum. We look forward to continuing to work with all stakeholders – nationally and internationally – as we consider these suggestions in the context of Australia’s own policy, as we further our commitment to the State’s Duty to Protect.