

Joint Standing Committee on Trade and Investment Growth

Inquiry into the Australian Government's Approach to Negotiating Trade and Investment Agreements

QUESTION ON NOTICE / Written

Hearing Name: Inquiry into the Australian Government's Approach to Negotiating Trade and Investment Agreements

Hearing Date: 13 September 2023

Topic: Negotiating Trade and Investment Growth - Consultations

Senator Tania Lawrence

Question

1. Can the Department outline the framework which is in place to manage the stakeholder consultations on free trade agreements?
2. Can the Department please provide the department's consultation guidelines (or similar) which are adopted for consultations with other Government agencies, State and Territory governments, industry, representatives of workers and unions and representatives of first nations Australians for trade agreements?
3. Can the department outline:
 - a. At what stages during and after the negotiations does the Department engage with these stakeholders?
 - b. How is the list of stakeholders developed and managed?
(eg. Can the department provide the list of stakeholders it has engaged with on the UK and India trade agreements, and details of when and how each of these stakeholders was engaged?)
 - c. examples of written communications to stakeholders regarding the agreements. (eg all written communications sent out for UK agreement)?
 - d. How the department uses the networks of key stakeholders, such as the Business Council of Australia, the Australian Council of Trade Unions, and Austrade to ensure the widest range of stakeholders is reached during consultations?
 - e. How matters raised in the consultations are incorporated into the negotiations?
 - f. Whether stakeholders are provided with an opportunity to provide feedback on the negotiations and final agreement once the FTA has been agreed?
 - g. How the department seeks feedback on the implementation of the agreement once it has been in force, including views on any unexpected challenges or issues that have arisen?

Answer

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1. *Can the Department outline the framework which is in place to manage the stakeholder consultations on free trade agreements?*

DFAT is committed to effective consultations with all interested stakeholders throughout the process of negotiating trade and investment agreements.

The framework the department uses for negotiating trade and investment agreements, including stakeholder consultations, is outlined on pages 11-14 of the DFAT Submission to the JSCTIG Inquiry into the Australian Government's approach to negotiating trade and investment agreements (the DFAT submission) and is further elaborated in Section 4 of the DFAT submission, commencing on page 24.

2. *Can the Department please provide the department's consultation guidelines (or similar) which are adopted for consultations with other Government agencies, State and Territory governments, industry, representatives of workers and unions and representatives of first nations Australians for trade agreements?*

Information about DFAT's stakeholder consultation processes is contained on pages 11-14, and in Section 4 (commencing on page 24) of the DFAT submission.

3. *Can the department outline:*

- a. *At what stages during and after the negotiations does the Department engage with these stakeholders?*

Stakeholder engagement begins before formal trade negotiations start, continues throughout the negotiating process, and continues after a new agreement enters into force. For further detail, see the framework for negotiating trade and investment agreements (pages 11-14) and Section 4 (commencing on page 24) of the DFAT submission.

- b. *How is the list of stakeholders developed and managed?*

(eg. Can the department provide the list of stakeholders it has engaged with on the UK and India trade agreements, and details of when and how each of these stakeholders was engaged?)

The nature and extent of public consultation by government in relation to any specific proposed treaty is determined by the scope and nature of the treaty in question. The manner in which DFAT conducts stakeholder consultations is set out in Section 4 (commencing on page 24) of the DFAT submission.

A list of businesses and organisations that were consulted on the A-UKFTA is set out below, together with a list of submissions received.

DFAT consulted the following 143 stakeholders over the course of the A-UKFTA negotiations:

1. Accolade Wines
2. Accord
3. Animals Australia
4. ANZ
5. Apple and Pear Australia
6. Australia Chamber of Commerce and Industry (ACCI)
7. Architects Accreditation Council of Australia (AACA)

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8. Australian Grape and Wine
9. Australian Automotive Aftermarket Association
10. Australian Council of Professions
11. Australian Health Practitioner Regulation Agency (AHPRA)
12. Australian Institute of Architects
13. Association of Consulting Architects Australia
14. Australian Aluminium Council
15. Australian Institute of Quantity Surveyors
16. Australian Banking Association
17. Association of International Seafood Professionals
18. Australian British Chamber of Commerce
19. Australian Beverages Council
20. Australian Digital Alliance
21. Australian Council of Wool Exporters
22. Australian Seafood Industry
23. Australian Fresh Produce Alliance
24. Australian Grape & Wine
25. Australian Fair Trade and Investment Network (AFTINET)
26. Australian Industry Group
27. Australian Honey Bee Industry Council
28. Association International Seafood Professionals
29. Australian Food and Grocery Council
30. Australian Horticultural Exporters' Association
31. Australian Livestock Exporters' Council
32. AUSVEG
33. Australian Pork
34. Australian Meat Industry Council
35. Australian Grain Exporters Association (AGEA)
36. Australian Nut Industry Council
37. Australian Mobile Telecommunications Association (AMTA)
38. Australian Pork Ltd, Australian Red Meat Industry / Meat & Livestock Australia
39. Australian Olive Association
40. Australasian Veterinary Boards Council
41. Australian Petroleum Production and Exploration Association
42. Australian Sugar Milling Council
43. Australian Services Roundtable
44. Australian Wool Innovation Limited 18
45. Australia-UK Contractor's Group
46. Bathurst Regional Council
47. Australia-United Kingdom Chamber of Commerce
48. British Pensions in Australia Inc
49. Boundary Bend Olives
50. Business Council for Sustainable Development
51. Business Council of Australia
52. CANZUK International
53. BSA, The Software Alliance
54. Canegrowers
55. Citrus Australia

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56. Civil Liberties Australia
57. Chartered Accountants Australia & New Zealand (CAANZ)
58. Competere
59. Chemistry Australia
60. Complementary Medicines Australia
61. Communications Alliance
62. Consult Australia
63. Consumer's Federation of Australia
64. CPA Australia
65. Conference of Asia Pacific Express Carriers (CAPEC)
66. Dairy Australia
67. Customs Brokers and Forwarders Council of Australia
68. Distilled Spirits Industry of Australia
69. Design Institute of Australia
70. Electronic Frontiers Australia (EFA)
71. Direct Selling Australia
72. European Australian Business Council (EABC)
73. Engineers Australia
74. Femeconomy
75. Export Council of Australia
76. Food and Beverage Importer Association
77. Federal Chamber of Automotive Industries
78. Fintech Australia
79. Financial Services Council
80. Futurefund
81. Fisheries Research and Development Corporation (FRDC)
82. Freight & Trade Alliance
83. Food Frontier
84. GlaxoSmithKline (GSK)
85. Geraldton Fishermen's Co-operative
86. Grains Industry Market Access Forum
87. Global Trade Professionals Alliance
88. Grains Research and Development Corporation
89. Grain Growers Australia
90. Humane Society International
91. Indigenous Network for Investment, Trade & Export (IGNITE)
92. International Chamber of Commerce Australia
93. Herbalife Nutrition
94. IP Federation
95. Institute of Public Accountants (IPA)
96. Just Biodiesel
97. International Education Association of Australia
98. Macquarie Group
99. Joint Accounting Bodies
100. Medicines Australia
101. Law Council of Australia
102. Music Rights Australia
103. Meat and Livestock Australia

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104. National Farmers Federation
105. Minerals Council of Australia
106. Nerada Tea
107. Mutual recognition of professional medical qualifications
108. Ports Australia
109. NAB
110. RSPCA
111. Optus
112. Sheep Producers Australia
113. RegTech Association
114. Standards Australia
115. Scotchmans Hill
116. Speech Pathology Australia
117. Seafood Industry Australia
118. Supply Nation
119. South Australian Wine Industry Association
120. Swisse Wellness
121. Steel Association
122. The Australasian Performing Right Association Limited / Australasian Mechanical Copyright Owners Society (APRA AMCOS)
123. SunRice Group
124. The Global Data Alliance
125. Tasmanian Salmon Growers Association
126. Treasury Wine Estates
127. The Australian Nut Industry Council
128. Universities Australia
129. TradeWindow
130. Vodafone TPG
131. Trisco Foods
132. Westpac
133. University of Melbourne
134. Wine Australia
135. Victorian Automotive Chamber of Commerce
136. World Animal Protection
137. Will Studd Cheeses
138. Telstra
139. Wool Producers Australia
140. Insurance Council of Australia
141. Council of Small Business Australia
142. New South Wales Business Chamber
- 143.

List of submissions related to the A-UKFTA as on the DFAT website (refer [Australia-UK FTA submissions | Australian Government Department of Foreign Affairs and Trade \(dfat.gov.au\)](#)):

1. Accolade Wines (commercial-in-confidence)
2. Accord

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3. Association of International Seafood Professionals
4. Austral Fisheries
5. Australian British Chamber of Commerce (commercial-in-confidence)
6. Australian Fair Trade and Investment Network (AFTINET)
7. Australian Grape & Wine (commercial-in-confidence)
8. Australian Olive Association
9. Australian Pork Ltd
10. Australian Red Meat Industry / Meat & Livestock Australia (commercial-in-confidence)
11. Australia-UK Contractor's Group
12. Australia-United Kingdom Chamber of Commerce
13. Bathurst Regional Council
14. Boundary Bend Olives (commercial-in-confidence)
15. British Pensions in Australia Inc
16. BSA | The Software Alliance
17. CANZUK International
18. Civil Liberties Australia 20
19. Competere
20. Complementary Medicines Australia
21. Direct Selling Australia
22. Engineers Australia
23. Femeconomy
24. Fisheries Research and Development Corporation (FRDC) (commercial-in-confidence)
25. Food Frontier
26. Geraldton Fishermen's Co-operative
27. GlaxoSmithKline (GSK)
28. Herbalife Nutrition
29. IGNITE
30. IP Federation
31. Joint Accounting Bodies
32. Just Biodiesel • Just Biodiesel – submission update
33. Law Council of Australia
34. Music Rights Australia
35. Mutual recognition of professional medical qualifications
36. National Farmers Federation (commercial-in-confidence)
37. Nerada Tea
38. RSCPA
39. Scotchmans Hill
40. Sheep Producers Australia (commercial-in-confidence)
41. South Australian Wine Industry Association
42. SunRice Group
43. Swisse Wellness (commercial in confidence)
44. Tasmanian Salmonid Growers Association (commercial-in-confidence)
45. The Australasian Performing Right Association Limited / Australasian Mechanical Copyright Owners Society (APRA AMCOS)
46. The Australian Nut Industry Council
47. The Global Data Alliance
48. The Regtech Association
49. TradeWindow

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50. Treasury Wine Estates
51. Trisco Foods
52. Universities Australia
53. University of Melbourne
54. Will Studd Cheeses
55. Wine Australia
56. Wool Producers Australia
57. World Animal Protection.

DFAT consulted the following 105 stakeholders over the course of the ECTA negotiations with India:

1. Australian Services Roundtable
2. Accolade Wines
3. Accord
4. Actuaries Institute
5. ANZ
6. Apple & Pear Australia Ltd
7. Architects Accreditation Council of Australia
8. Association of Consulting Architects
9. Atlassian
10. Australian Veterinary Boards Council
11. Australia Council of Professions
12. Australian Grape and Wine
13. Australian Banking Association
14. Australian Berries Industry
15. Australian Centre of International Commercial Arbitration
16. Australian Chamber of Commerce and Industry (ACCI)
17. Australian Centre for International Commercial Arbitration
18. Australian Chamber of Commerce and Industry
19. Australian Council of Wool Exporters and Processors
20. Australian Council on Healthcare Standards
21. Australian Diagnostic Imaging Association
22. Australian Disputes Centre
23. Australian Distillers
24. Australian Health Practitioner Regulation Agency
25. Australian Industry Group
26. Australian Institute of Architects
27. Australian Institute of Landscape Architects
28. Australian Institute of Quality Surveyors
29. Australian Medical Association
30. Australian Medical Council
31. Australian Mobile Telecommunications Association (AMTA)
32. Australian National University (ANU)
33. Australian Nut Industry Council
34. The Australian Oilseed Federation Inc
35. Australian Services Roundtable
36. The Australian Table Grape Association
37. Australian Wool Innovation (AWI)

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38. Baxter International (medical devices)
39. Bethesda Health Care / Australasian College of Health Care Management
40. Chartered Accountants NZ
41. Citi Group
42. Citrus Australia Ltd
43. Cochlear Australia
44. Cochlear Limited (Asia Pacific) (medical devices)
45. Communications Alliance
46. Conference of Asia Pacific Express Carriers (CAPEC) 4
7. Consult Australia
48. Cotton Australia
49. CPA Australia
50. Dairy Australia
51. Engineers Australia
52. Export Council of Australia
53. Financial Services Council
54. Fortescue Future Industries
55. Freight & Trade Alliance
56. Futurefund
57. Generic Biosimilar Medicines Association (medical devices)
58. George Institute of Global Health
59. GHD
60. Grain Trade Australia
61. GrainGrowers
62. Herbert Smith Freehills
63. Hort Innovation
64. IFM
65. Indigenous Network for Investment, Trade and Export
66. Indo-Australia Chamber of Commerce
67. Insurance Group Australia
68. Insurance Council of Australia
69. International Education Association of Australia
70. Jameson Boyce
71. KPMG
72. LarkinSkyles
73. Law Council of Australia
74. Law Firms Australia
75. Macquarie Group
76. Maddocks
77. McMullen Consulting Pty Ltd (grain)
78. Meat and Livestock Australia (MLA)
79. Medical Technology Association Australia (medical devices)
80. MedTech and Pharma Growth Centre (MTP Connect)
81. Minerals Council of Australia (MCA)
82. mPort
83. National Australia Bank (NAB)
84. National Farmers Federation (NFF)
85. Optus

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86. Pernod Ricard
87. Piper Alderman
88. Ports Australia
89. Public Accountants
90. QBE
91. Qantas (sandalwood)
92. Science and Technology Australia (medical devices)
93. Seafood Industry Australia
94. Sheep Producers Australia
95. Speech Pathology Australia
96. Spirits & Cocktails Australia
97. Standards Australia
98. Surveying and Spatial Sciences Institute
99. Telstra
100. Treasury Wines
101. Universities Australia
102. University of Melbourne
103. Vodafone TPG
104. Wine Australia
105. Worley Parsons

List of submissions related to the ECTA:

1. Australia-India Business Council
2. Australian Business Solutions (ABS Group) Pty Ltd
3. Australian Chamber of Commerce and Industry (provided three submissions)
4. Australian Pharmacy Council
5. ADInstruments
6. Advance Cairns
7. Andrew Godwin
8. Australian Dairy Industry Council
9. Australian Fair Trade and Investment Network (AFTINET)
10. Australian Horticultural Exporters Association
11. Australasian Performing Right Association Limited and Australasian Mechanical Copyright Owners Society (APRA/AMCOS)
12. Australian Forest Products Association (AFPA)
13. Australia India Business Council (AIBC)
14. Australian Industry Group
15. ANZ Banking Group Limited
16. Australian Nursing and Midwifery Accreditation Council
17. Australian Tea Tree Industry Association Ltd
18. Australian Wool Innovation Limited
19. Baker & McKenzie
20. BBX Barter Services Pvt Ltd
21. Cassegrain Tea Tree Oil Pty Ltd
22. Copper Mines of Tasmania
23. CPSU (multiple submissions)
24. Federation of Automotives Products Manufacturers

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25. Financial Services Council
26. Indo Australia Design Research Alliance
27. The Institute of Chartered Accountants of India
28. Insurance Australia Group
29. Insurance Council of Australia
30. International Trademark Association
31. Law Council of Australia
32. Meat & Livestock Australia
33. Molina Asthana
34. Music Council of Australia
35. Natio Cosmetics
36. National Australia Bank
37. NSW Department of Trade and Investment
38. Office of Horticultural Market Access
39. OZ Minerals Ltd
40. Pioma Chemicals – Tea Tree Oil
41. RayGen Resources
42. Seafood Services Australia
43. South Australian Education
44. South Australian Government
45. TFS Corporation Ltd (TFS)
46. VicRoads
47. Wine Australia
48. Winemakers Federation of Australia

c. examples of written communications to stakeholders regarding the agreements. (eg all written communications sent out for UK agreement)?

The government encourages stakeholders to lodge written submissions on the commercial, economic, regional and other impacts that could be expected to arise from an agreement. Opportunities for stakeholder engagement are advertised on the DFAT website and through DFAT's social media channels. For example, DFAT is currently inviting submissions on negotiations underway with [India](#), and negotiations under consideration with the [UAE](#) and Gulf Cooperation Council.

DFAT published a series of communications to stakeholders on its website throughout the A-UKFTA negotiations, as well as following conclusion, including:

- Australia's [objectives](#) for the Australia-UK FTA negotiations
- a summary after each negotiating round
- the text of the [Agreement in Principle](#) on Australia-UK FTA negotiations reached between Australia and the UK
- <https://www.dfat.gov.au/trade/agreements/negotiations/aukfta/overview-first-negotiating-round><https://www.dfat.gov.au/trade/agreements/negotiations/aukfta/overview-second-negotiating-round><https://www.dfat.gov.au/trade/agreements/negotiations/aukfta/overview-third-negotiation-round><https://www.dfat.gov.au/trade/agreements/negotiations/aukfta/australia-united-kingdom>

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[kingdom-fta-report-negotiating-round-four-22-february-5-march-2021](#) a media release summarising the agreement once concluded, as well as [fact sheets](#), frequently asked [questions](#), [case studies](#) and [overview of the benefits](#).

- A [guide to business](#) on how to use the Australia-UK FTA
- A [media release upon conclusion](#) of the Australia-UK FTA negotiations, as well as [regular updates](#) on ratification and entry into force of the Agreement. https://www.trademinister.gov.au/minister/dan-tehan/media-release/new-era-free-trade-uk?_gl=1*1cbdd81*_ga*MTY4ODc1ODIwLjE2OTIxNjMyOTc.*_ga_8Z18QMKG8V*MTY5ODAxMzU4NS43LjEuMTY5ODAxMzY1Ny42MC4wLjA.

- d. <https://www.dfat.gov.au/trade/agreements/negotiations/aukfta/australia-united-kingdom-fta-report-negotiating-round-four-22-february-5-march-2021> <https://www.dfat.gov.au/trade/agreements/negotiations/aukfta/australia-uk-fta-negotiations-agreement-principle> *How the department uses the networks of key stakeholders, such as the Business Council of Australia, the Australian Council of Trade Unions, and Austrade to ensure the widest range of stakeholders is reached during consultations?*

In addition to regular consultation with individual stakeholders negotiating teams, DFAT hosts several platforms to engage stakeholders on developments in free trade negotiations and provide important updates related to trade and investment policy more broadly. See pages 25 to 27 of the DFAT submission.

- e. *How matters raised in the consultations are incorporated into the negotiations?*

See Section 4 of the DFAT submission, particularly pages 24-25.

- f. *Whether stakeholders are provided with an opportunity to provide feedback on the negotiations and final agreement once the FTA has been agreed?*

Consultations and stakeholder engagement continue through to the conclusion of negotiations and after a new agreement enters into force (see pages 11 – 14 and Section 4, commencing on page 24, of the DFAT submission).

- g. *How the department seeks feedback on the implementation of the agreement once it has been in force, including views on any unexpected challenges or issues that have arisen?*

FTAs often include in-built agreement-wide or chapter-specific mechanisms that prompt the Parties to review the ongoing implementation of commitments in the FTA. Such mechanisms provide an opportunity for DFAT to engage stakeholders on their interests and priorities in the FTA.

See also pages 11-14, and Section 4 (commencing on page 24) of the DFAT submission.

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