

ANSWERS TO QUESTIONS ON NOTICE

Treasury Portfolio

Inquiry into the FOREIGN INVESTMENT PROPOSALS

2019 - 2020

Division: Foreign Investment Division
Topic: Enforcements of Conditions on International Entities
Reference: Written

Question:

On what legal basis can the Treasurer enforce conditions on a foreign entity that are not similarly applied to Australian-owned entities?

- For instance, if a foreign investment condition is that all data has to be held in Australian data centres, but the same requirement is not made of equivalent Australian-owned entities, how does this interface with national treatment obligations under the WTO and other obligations under trade agreements?

Answer:

Questions relating to Australia's international obligations should be directed to the Office of International Law (OIL) within the Attorney-General's Department, or the Department of Foreign Affairs and Trade (DFAT).

Treasury engages regularly with the Trade and Investment Law Branch within DFAT, and OIL, on compliance of the FATA with Australia's international obligations.