

9 April 2009

Committee Secretary
Joint Standing Committee on Treaties
House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

By email: jsct@aph.gov.au

Dear Committee Secretary,

Re: Agreement establishing the ASEAN-Australia-New Zealand Free Trade Area

The Media, Entertainment & Arts Alliance (the Alliance) supports the Federal Government's position taken in the recently signed ASEAN-Australia-New Zealand Free Trade Agreement, particularly the positive list approach taken in the Trade in Services and the Movement of Natural Persons (MNP) Chapters.

The Alliance notes that the Federal Government has not made any commitments with respect to audiovisual or broadcasting policy under the Trade in Services chapter nor any commitments under the MNP chapter that may adversely impact upon the cultural industries.

The stance taken in this agreement is consistent with the Federal Government's continuing and long-standing bipartisan policy taken in all free trade agreements to make no commitments that might in any way adversely impact on the Government's ability to give effect to its social and cultural objectives for Australia's cultural industries now and into the future.

Furthermore, the Alliance understands from discussions with the Department of Foreign Affairs and Trade, that the nature of the working relationship between the AANZFTA and the Australia New Zealand Closer Economic Relationship agreement (as well as the Australia United States Free Trade Agreement) is such that the concessions made in the audiovisual and broadcasting sectors, as well as with respect to the movement of natural persons with New Zealand, will not be carried through to the ASEAN countries or any other country. Moreover, the Alliance understands that any possibility that this would occur via a Most Favoured Nation (MFN) clause has been negated by the wording of the MFN clause. This clause extends ASEAN countries the right to request Australia to extend to ASEAN country services and service providers more favourable treatment that is accorded to another country with respect only to *future* bilateral and plurilateral FTAs to which Australia is a Party.



ABN: 84 054 775 598

FEDERAL OFFICE
245 Chalmers St
Redfern NSW 2016

POSTAL ADDRESS
PO Box 723
Strawberry Hills
NSW 2012 Australia
Tel: [61] 2 9333 0999
Fax: [61] 2 9333 0933

Email:
mail@alliance.org.au

Alliance Inquiry Desk
1300 656512

Alliance Membership
Centre 1300 656513

Website:
www.alliance.org.au

Federal President:
Patricia Amphlett

Federal Secretary:
Christopher Warren

¹ Article 7.4

“A Party shall not be obliged to enter into consultations in relation to treatment provided under any international agreement that entered into force or was signed prior to the date of entry into force of this Agreement...”¹

The Alliance supports this approach.

Nevertheless, the Alliance requests that JSCOT examine this issue closely to ensure that this interpretation is in fact correct and that there are no loopholes that will threaten the Government’s ability to give effect to its social and cultural objectives for the Australian cultural industries now and into the future.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Simon Whipp', with a stylized flourish at the end.

Simon Whipp
National Director