

**Fact sheet on Individual Efforts Made towards the Achievement of the Bogor Goals: Australia**

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
<b>1. Tariffs</b>			
(1) Import-weighted average of MFN applied tariff	5.4%	3.2%	
(2) Simple average of MFN applied tariff	5.9%	3.8%	
(3) Tariff average, based on import tariff revenue	4.6%	3%	
(4) Zero tariff lines as a percentage of all tariff lines	40.8%	46.3%	
(5) Zero tariff imports as a percentage of all imports	42%	53.1%	
(6) Standard deviation for applied tariff	8.9%	7.1%	
(7) Transparency in tariff regime	Annual WTO notification of applied tariffs; internet publication of Australia's schedule; publication of legislated further tariff reductions	Annual WTO notification of applied tariffs; internet publication of Australia's schedule; publication of legislated further tariff reductions	

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<b>2. Non-Tariff Measures</b>			
(1) Quantitative import restrictions/prohibitions	(Did not impose other than to discharge international obligations)	No Change	Australia does not generally impose quantitative import restrictions. Import prohibitions are generally only used to discharge Australia's international obligations.
(2) Import licensing			<ul style="list-style-type: none"> <li>(i) Automatic import licensing – Australia does not impose automatic import licensing</li> <li>(ii) Discretionary import licensing - Australia's import licensing procedures are consistent with the WTO Agreement on Import Licensing Procedures. Current licensing requirements are confined to discharge of Australia's international obligations and to protect the community through maintaining transparent and scientifically based health and safety related import programs. (Australia last notified its export licensing to WTO in 2002. It intends to notify again in 2010).</li> </ul>
(3) Import levies	N/A	N/A	Australia does not impose import levies
(4) Export subsidies	N/a	N/a	Australia does not use export subsidies.
(5) Other non-tariff measures maintained	N/a	N/a	Quarantine measures - Australia adopts quarantine measures where necessary to reduce identified risks to human, animal and plant life and health to an acceptable level and any measures that may have a significant impact on international trade are officially notified to the WTO. Quarantine measures are developed and implemented accordance with international rights and obligations, particularly under the WTO Agreement on the Application of Sanitary and Phytosanitary Measures (the SPS Agreement). Import conditions, including any requirements for import permits, are published on the Australian Quarantine and Inspection Service's website. Australia's procedure for conducting import risk analyses is set out in the Import Risk

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			<p>Analysis Handbook. For more information, go to: <a href="http://www.daff.gov.au/ba/ira/process-handbook">www.daff.gov.au/ba/ira/process-handbook</a></p> <p>An independent review of Australia's quarantine and biosecurity system was completed in December 2008. The panel for the independent review concluded that Australian biosecurity system is sound, but made 81 recommendations for improvement to deal with increasing biosecurity risks. The Australian government has accepted the recommendations in-principle. Full implementation is likely to take some time, but interim arrangements will be applied as necessary. The report is located at <a href="http://www.daff.gov.au/about/publications/quarantine-biosecurity-report-and-preliminary-response">http://www.daff.gov.au/about/publications/quarantine-biosecurity-report-and-preliminary-response</a></p>
<b>3. Services</b>			
(1) Number of sectors out of 55 services sectors in which market access and/or NT are granted as a result of the commitments in the GATS	36		Australia's Uruguay Round services commitments were comprehensive with wide sectoral coverage and deep commitments, including horizontal commitments on Mode 3 (commercial presence) and Mode 4 (movement of natural persons).
(2) Number of sectors out of 55 services sectors in which MFN exemptions	1		Australia maintains MFN exemptions in audiovisual services.

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maintained as a result of the commitments in the GATS			
(3) Number of sectors out of 55 services sectors in which market access and/or NT are offered in the DDA under the GATS		41	Australia's Doha Round offer was comprehensive and binds, across the board, current market access in a broad range of sectors. Only limited exceptions remains in sensitive sectors. Binding of current market practice is also offered in horizontal Modes 3 and 4.
(4) Number of sectors out of 55 services sectors in which MFN exemptions maintained in the DDA under the GATS		1	Australia maintains MFN exemptions in audiovisual services.
(5) Number of RTAs/FTAs in which more market access and/or NT are committed to services sectors than those in the commitments under the GATS	1	6	Australia's six FTAs – with New Zealand, the United States, Thailand, Singapore, ASEAN and Chile – have comprehensive sectoral coverage and reflect WTO-plus outcomes.

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(6) Number of sectors in which licensing and qualification requirements apply specifically to foreign service providers	0*	0*	* Sectors where Australia has undertaken commitments in the GATS
(7) Measures to improve transparency in services	Australia's regulations relating to services trade are published and publicly available.	Australia's regulations relating to services trade are published and publicly available on the internet.	<p>The Australian Government maintains an internet portal at <a href="http://www.australia.gov.au">www.australia.gov.au</a> that includes links to all relevant policies and regulations.</p> <p>The Office of Best Practice Regulation (OBPR) promotes the Government's objective of improving the effectiveness and efficiency of regulation. The OBPR plays a central role in assisting Australian Government departments and agencies to meet the Australian Government's requirements for best practice regulatory impact analysis and in monitoring and reporting on their performance.</p> <p>Australia also notifies other WTO Members of new measures affecting trade in services under Articles III and V of the GATS.</p>
<b>4. Investment</b>			
(1) Restrictions on foreign investment	In 1996 Australia operated a liberal and open investment screening regime for pre-establishment	Australia continues to apply its pre-establishment foreign investment screening regime, however, significant liberalisation has been	Considerable achievements in liberalising investment processes through replacement of a number of lower exemption thresholds with a single \$219 million exemption threshold for consideration of commercial foreign investments in Australia.. Requirements for establishment of new businesses have been removed from the policy and requirements concerning

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	<p>investment. Australia's foreign investment policy framework comprised the Foreign Acquisitions and Takeovers Act 1975 (FATA), regulations made under the FATA and associated Ministerial Statements.</p> <p>The policy provided monetary thresholds for the notification of individual investment proposals across all sectors and various other restrictions in 'sensitive sectors'. The Government had the power under the FATA to block proposals that were required to be notified and which were determined to be contrary to the national interest. However, the presumption was that foreign investment is good</p>	<p>undertaken over the period. Following a review of Australia's foreign investment policy in 2008/09, a number of significant changes were made to the notification and examination requirements of the FATA, including an increase in the notification threshold for foreign investment in existing Australian businesses to \$219 million from \$100 million.</p> <p>Screening of investment proposals above \$219 million involves consideration against Australia's national interest. The Australian Government determines what is 'contrary to the national interest' by having regard to community concerns. Reflecting community concerns, specific restrictions on foreign investment are in force in more sensitive sectors such as residential real estate, banking, telecommunications, shipping,</p>	<p>the acquisition property have been streamlined.</p> <p>Guiding principles for consideration of foreign government investment applications for investment approval in Australia have been announced.</p> <p>These liberalising efforts have been publicised through Ministerial Statements and are published on the Foreign Investment Review Board's website <a href="http://www.firb.gov.au">www.firb.gov.au</a></p>

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	<p>for Australia and that the majority of proposals were in the national interest and should go ahead. This framework provided for Government scrutiny of many proposed foreign investments in Australian businesses and real estate. The sensitive sectors were: real estate; media; domestic and international civil aviation; uranium mining; telecommunications; banking; and shipping.</p>	<p>civil aviation, airports and the media. Generally these categories include sectors where other Government agencies or relevant interested parties would be involved in the screening process or have major carriage. An application for approval in a sensitive sector is made the same way any other share/asset acquisition application is made. However different thresholds may apply, depending on the nature of the investment. There are legislatively prescribed sensitive sectors in relation to investments by US investors which are subject to a \$110 million (indexed annually) notification threshold. This threshold applies in place of the general notification threshold applicable to US investors of \$953 million</p> <p>All investments by foreign governments, however held,</p>	

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		continue to require consideration by the Australian Government.	
(2) Investment by foreigners entails offsets (performance requirements, export requirements, local content requirements)	Foreign investments in Australia were not required to provide offsetting effort excepting for acquisition of certain real estate by some foreign interests which had performance criteria.	Foreign investments in Australia are generally offset free excepting for acquisition of certain real estate by some foreign interests which have performance criteria over a longer period than previously. The Australian Government is able to set conditions but rarely does.	Whilst there are no offsets to be met by foreign investors, for certain real estate acquisitions there have been and are performance criteria for certain real estate acquisitions. The time frame for these criteria has recently been extended.
(3) Restrictions on transfers of capital	No restrictions	No restrictions	
(4) Consistency with APEC Non-Binding Investment Principles	Most. Treatment of NZ different	Most. Treatment of USA and NZ different.	The Government has developed, and updates regularly, a website that is dedicated to foreign investment – ( <a href="http://www.firb.gov.au">www.firb.gov.au</a> ). The website provides access to information on Australia’s foreign investment policy and related legislation, application forms, FIRB Annual Reports, answers to frequently asked questions and details on Australia’s international investment position and engagement in international forums. The website also provides access to information on the screening process..
(5) Number of BITs and FTAs/RTAs which NT and MFN are ensured in relation		All BITS and FTA’s have mention of NT and MFN	

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to foreign investment			
BITs and FTAs/RTAs with APEC member economies which NT and MFN are ensured in relation to foreign investment	(List of agreements ) (NZ, China; Hong Kong, China; Indonesia; PNG; Philippines; and Viet Nam).	Australia-China BIT	Increased the number of FTA's and BIT's significantly since 1996 and Australia is currently negotiating a number of other FTA's.
		Australia-Vietnam BIT	
		Australia-PNG BIT	
		Australia-Indonesia BIT	
		Australia-Hong Kong BIT	
		Australia-Philippines BIT	
		Australia-Peru BIT	
		Australia-Chile BIT	
		Australia-Mexico BIT	
		Singapore – Australia FTA	
		Thailand – Australia FTA	
		Australia-New Zealand - ASEAN FTA	
		Australia –USA FTA	
		Australia-Chile FTA	
Australia – NZ Closer Economic Relationship			
(6) Measures to improve transparency in investment	Australia's foreign investment policy available only in print form	Australia's foreign investment policy simplified with higher required thresholds before policy requirements come into effect and published on a web page.(see 4(1))	Specifically included in the revised policy were guidelines to be taken into account when investments by foreign government owned entities and Sovereign Wealth Funds are proposed. These guidelines also apply , where relevant, to investments from all other sources. This measure announced by the Australian Government promotes transparency.
<b>5. Standards and Conformance</b>			
(1) Number of domestic	Of the 6000 Australian	Approximately 43 per cent of	<i>Comment, Japan runs the VAP Activity in the APEC SCSC and is in the</i>

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standards aligned with the target international standards for Voluntary Action Plan (VAP)	standards, approximately 25 per cent of standards were aligned with relevant international standards. Of the remainder, a significant portion did not have an equivalent international standard.	the 6500 Australian Standards are now aligned with international standards. Of those Australian Standards which are new or revised (many of which may have been previously aligned) issued in the past year, about 80 per cent were aligned with relevant international standards.	<i>best position to provide the data for this component.</i> <i>Australia regularly provides input data to Japan in relation to the VAP.</i>  <i>Note data shown in the left hand columns relates to all Australian Standards not just those covered by the VAP.</i>
(2) Description of conformity assessment process including participation in and implementation of mutual recognition arrangements	3 (APEC food products; vehicle standards and telecoms terminal equipment MRAs; Australia's National Association of Testing Authorities had a number of bilateral MRAs; as did the National Measurement Laboratory and the Joint Accreditation System – Australia and New Zealand)	18 (APEC Food, Tel and Electrical MRAs; the Asia Pacific Laboratory Accreditation Cooperation; Pacific Accreditation Cooperation; International Committee on Weights and Measures MRA on Metrology; European Union; Iceland; Liechtenstein; Norway; Japan; Netherlands; New Zealand; Singapore; South Africa; Thailand; United States; and United Kingdom)	
(3) Efforts to raise transparency and	Recommendations from the 1995 "Report of the	The Australian Government undertook a review of	

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objectivity of standards	Committee of Inquiry into Australia's Standards and Conformance Infrastructure" were being implemented. These included improvements to transparency and objectivity and resulted in a revised MoU with Standards Australia in 1998	Australia's Standard Setting and Laboratory Accreditation which resulted in a renegotiation of the MoU with Standards Australia signed in 2008. The revised MoU included significant undertakings in relation to transparency and objectivity of standards.	
<b>6. Customs Procedures</b>			
(1) Adoption of HS2007 nomenclature	--	Adopted	<p>The HS 2007 amendments were legislated on 4 November 2006 and came into effect on 1 January 2007. Approximately 1,200 changes were made to the Australian Customs Tariff and there were consequential changes made to Free Trade Agreements, Tariff Advices, Tariff Precedents and Tariff Concession Orders.</p> <p>Industry was advised of the changes in a number of Australian Customs Notices, via the Customs website, messages in the Integrated Cargo System and regional seminars.</p>
(2) Conformity with the Revised Kyoto Convention	--	Acceded	Australia became a contracting party to the Revised Kyoto Convention on 18 April 2000.

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(3) Transparency	The majority of the current measures have been in place since before 1996.		Customs and Border Protection completed the Fraud Control Plan 2008–10. The plan includes the Customs and Border Protection Fraud Control Framework which demonstrates a strengthening in process and allows for visibility and increased awareness of how to report unethical behaviour, as well as the coordination of intelligence and internal investigation. The plan complies with the Commonwealth Fraud Control Guidelines and complements the APS Code of Conduct.
(4) Use of information technology and automation (e.g. Single Window, Harmonised Trade Data Elements, Paperless Trading, etc.)	Customs cargo processing systems were in place prior to 1996.	Customs and Border Protection has a well established Integrated Cargo System (ICS) for both exports and imports processing that provides an interface for industry to connect electronically with Customs. All import and export cargo is electronically reported in the ICS. Where additional information may be required to support Customs risk assessment processes, industry can provide it to us by various methods, including electronic.	Improvements to the ICS continue to be implemented in consultation with other Government agencies and industry sectors.

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		<p>Availability of the ICS (excluding scheduled outages) consistently performs at over 99% and over 99% of electronically lodged import declarations receive a transmitted authority to deal within 15 minutes.</p> <p>Single window and other paperless trading initiatives, both internationally and domestically, are continuing to be monitored.</p>	
(5) Measures to secure trade (e.g. AEO, etc.)	<p>Customs Risk Management was implemented based on the Australia/New Zealand standard (AS/NZ S 4360:1995) and was used to assess significant emerging risks.</p> <p>Although there was a</p>	<p>Customs and Border Protection's Integrated Cargo System includes a comprehensive automated profiling and risk assessment capability that is applied to all electronic transactions reported by industry for both import and export cargo.</p> <p>Customs and Border Protection has implemented</p>	

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	<p>strong focus on Trade Facilitation this was done whilst protecting the community and maintaining appropriate compliance.</p> <p>Prohibited and restricted goods were a prime risk, whilst efforts to target and detect fraud and revenue leakage were also considered high risks, given the heavy reliance on revenue collection by Government at the time.</p> <p>There were technology upgrades to enhance targeting efforts across air cargo, sea cargo and mail and implementation of electronic profiling. This also involved the exploration of IT to</p>	<p>non-intrusive inspection capability (both mobile and fixed) that is deployed for inspection of export and import cargo using a risk based and intelligence led approach. This approach incorporates examination of all high risk goods and supports campaign and coverage activities to assess and respond to unknown and emerging risk, while also providing a deterrence effect.</p> <p>Customs and Border Protection has also embedded intelligence sharing processes with a number of key trading partners, which supports our risk assessment capabilities.</p>	

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	<p>screen the Air Courier industry's data for high risk consignments.</p> <p>Technology upgrades had commenced as at the time only mobile x-ray technology existed in mail and some air cargo streams.</p> <p>We had adopted community participation programs, such as Frontline and Customs Watch to allow external sources to provide information direct to Customs.</p> <p>Customs was also performing a number of functions on behalf of other agencies at the border, such as Australian Quarantine and Inspection Service,</p>		

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	Australian Taxation Office and the Australian Federal Police.		
(6) Implementation of other customs measures to facilitate trade (e.g. Advance Classification Ruling System, Time Release Survey, etc.)	<p>Customs had undertaken a Cargo Management Strategy in consultation with industry and other Government agencies and developed an exposure draft for further development. This was the first steps of what is now the Integrated Cargo System that was implemented in 2005. Interestingly it also focussed on simplifying and harmonising customs procedures, to provide clear links with clients and sharing of information and</p>		

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	<p>resources (including the concept of single window as a co-operation/co-ordination and participation/partnership with other Government agencies).</p> <p>A pilot of the Accredited Client Program had commenced, which was to provide periodic accounting and duty deferral for particular clients. The program was never implemented as the introduction of the ICS actually provided better benefits. Periodic settlement for importers of excise products (petroleum, alcohol and tobacco products) via the</p>		

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	<p>warehousing process was introduced (this essentially provided a double duty deferral system for a small client group).</p> <p>The separate cargo systems (Sea Cargo Automation, Air Cargo Automation and COMPILE) allowed clients to report the arrival of sea and air cargo using modern computer and electronic communication facilities. At the time 98% of air cargo and 80% of sea cargo was being reported electronically. There were enhancements underway to provide the necessary improvements to allow all clients to access and utilise these</p>		

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	<p>systems.</p> <p>Industry support measures included major amendments to the Tariff Concession and Policy By-Law systems; development of non-preferential Rules of Origin; and participation in the revision of the Kyoto Convention.</p> <p>The use of risk management and a self assessment framework also contributed to trade facilitation.</p> <p><u>Advance Rulings</u></p> <p>In 1996 Australia already had an Advance Classification Ruling System in place which utilised a computerised</p>	<p>Since 1996, the Advance Classification Ruling System has been strengthened with improved internal review procedures, increased ability to submit material information electronically and a focus on making it simpler for applicants to understand the process and to submit requests.</p> <p>The TAPIN functionality has</p>	

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	<p>system called the Tariff and Precedents Information Network (TAPIN).</p> <p>The <i>Customs Tariff Act 1995</i> put a new customs tariff (CT96) in place in 1996. As part of that, previous advices were voided in 1996 and during that year were progressively converted to the new tariff. Industry was supported during this time by running TAPIN in a dual.</p>	<p>taken under the umbrella of the new Integrated Cargo System (ICS) to ensure a seamless approach to using advices given.</p> <p>Australia has adopted an approach of on-going and active improvement of its Advance Ruling regimes. The results of the latest major effectiveness and efficiency review of the Advance Classification Rulings System are currently under consideration.</p> <p>This service has continued to be offered free of charge.</p>	
<b>7. Intellectual Property (IP)</b>			
(1) Ratification and implementation of the major multilateral agreements relating to IP rights	Member of the Paris Convention, entered into force 1925		
	Member of the Patent Cooperation Treaty,		

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	acceded in 1979		
	--	Member of the Patent Law Treaty	acceded in 2008
	--	Member of the Trademark Law Treaty	acceded in 1997
	--	Member of the Madrid Protocol (International Registration of Trademarks)	acceded in 2001
	--	Member of the Singapore Treaty (Law of Trademarks)	ratified in 2008
	Member of the International Union for the Protection of New Varieties of Plants (UPOV) Convention (1978 Act), acceded 1989.	Member of revised UPOV Convention (1991 Act.)	party to the 1991 Act in 2000
	Member of the Berne Convention for the Protection of Literary and Artistic Works (1971)	Member of the World Intellectual Property Organisation (WIPO) Copyright Treaty. (WCT). Came into force in 2007.	
	Member of the Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their	Member of the WIPO Performances and Phonograms Treaty. (WPPT). Came into force in 2007.	

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	Phonograms. Acceded in 1974.		
	Member of the Universal Copyright Convention. Acceded in 1978		
	Member of the Brussels Convention relating to the Distribution of Programme-Carrying Signals Transmitted by Satellite. Australia acceded in 1990.		
	WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS)  Australia had fully implemented all of its TRIPs obligations by 1 January 1996		

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(2) Measures to ensure the expeditious granting of IP rights	Acceded to the Patent Cooperation Treaty in 1979, became an International Search Authority /International Preliminary Examination Authority (ISA/IPEA) in 1980		<p>Australia's 1980 agreement with the International Bureau (IB) of WIPO allows Australia to act as an ISA/IPEA for international applications filed in Australia, New Zealand, and any country WIPO regards as a developing economy.</p> <p>In 2009, Australia entered into an agreement with Korea which allows applicants in either country to request the other to act as an ISA.</p> <p>In 2008, Australia agreed to act as an ISA for the United States in certain technologies.</p>
	There was no provision for registration of copyright in Australia.	<p>No formalities are required for subsistence of copyright in Australia under the Copyright Act. Copyright protection is granted automatically where the substantive requirements are fulfilled.</p> <p>There have been amendments to the Copyright Act 1968 since 1996 which have supported the goal of expeditious granting of IP rights.</p>	<p>1998 Amendments;</p> <ol style="list-style-type: none"> <li>1. removed controls on parallel importation of music CDs made legitimately in other countries. It allowed the importation of non-pirate CDs without the consent of the Australian copyright owner.</li> <li>2. reformed copyright law in relation to the importation of packaging and labelling. Without this change, business with exclusive distribution rights for various non-copyright imported goods such as toys, shoes, liquor, cosmetics and clothing, would be able to continue using the copyright in the packaging and labelling of those goods to stop other businesses from importing and reselling them.</li> <li>3. established the ownership of on-line copyright by newspaper proprietors in the works of their employees, made reforms to the damages remedy</li> </ol>

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			<p>for copyright infringement, and streamlined the statutory licences for copying for education, for persons with disabilities and by governments for official purposes.</p> <p>1999 Amendments clarified or established the right of owners and licensees of legitimate copies of computer programs to make back-up copies and to decompile them for the purposes of making inter-operable products, correcting errors, and testing their security.</p> <p>2000 Amendments</p> <ol style="list-style-type: none"> <li>1. introduced comprehensive provisions for the moral rights of authors of works and producers, directors and screenwriters of films. They include the right of attribution of authorship, the right against false attribution and the right of integrity (i.e., the right against treatment of a work that demeans the author's honour or reputation).</li> <li>2. The Copyright Amendment (Digital Agenda) Act 2000 provided greater copyright protection to works and other protected subject matter on-line in the context of rapid technological developments</li> </ol> <p>2003 Amendments allowed the parallel importation of non-infringing computer software (as well as books, periodical publications and sheet music in electronic form) and strengthened civil and criminal remedies against copyright infringement, including by easing the burden of proof of</p>

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			<p>subsistence and ownership of copyright.</p> <p>2005 The Copyright Amendment (Film Directors' Rights) Act 2005 gave directors a share of the copyright in their films. As a result, they are entitled to a share of the remuneration to be payable by subscription television broadcasters for retransmitting free-to-air broadcasts of their films.</p> <p>2008 Amendments were made to existing evidential presumptions in the Copyright Act to make it easier for copyright owners to prove subsistence and ownership of copyright. Notices on goods claiming copyright ownership are now presumed to be correct "unless the contrary is established". This will provide for a streamlining of judicial proceedings in copyright infringement cases. Further amendments recognising industry specific labelling practices were introduced to ensure that industry labelling practices are adequately covered by evidential presumptions.</p> <p>2009 – On November 26th 2009 the Resale Royalty for Visual Artists Act 2009 was passed. This legislation is intended to provide a droit de suite, or a resale royalty right, for Australian visual artists. Under the proposal, visual artists will have a right to receive a share of sales of their artistic works on the secondary market.</p>
(3) Measures to provide for the effective			

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enforcement of IP rights	<p>Binding enforcement of copyright was undertaken through civil or criminal action in the courts.</p> <p>Civil action remedies were damages, injunction (permanent and interlocutory) and account of profits.</p>	<p>Amendments to the Copyright Act 1968 have improved effective enforcement of IP rights.</p>	<p>2003 Amendments in the Copyright Amendment (Parallel Importation) Act 2003 strengthened civil and criminal remedies against copyright infringement.</p> <p>2004 The US Free Trade Agreement Implementation Act 2004 amended the Copyright Act to strengthen copyright law enforcement. The amendments created:</p> <ul style="list-style-type: none"> <li>• wider criminal provisions, including for copyright infringement undertaken for commercial advantage or financial gain, and significant infringement on a commercial scale;</li> <li>• increased criminal and civil protection against the unauthorised receipt and use or distribution of encoded programs carrying signals; and</li> <li>• a scheme to limit the remedies that are available against Carriage Service Providers (CSPs) for infringements of copyright that relate to the carrying out of certain activities by CSPs. A CSP must satisfy certain conditions to take advantage of the limitations.</li> </ul> <p>2006 The Copyright Amendment Act 2006 created a new tiered offence system. New strict liability offences were included to facilitate the effective policing of lower levels of commercial piracy. A new infringement notice</p>

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		<p>Improved cooperation.</p> <p>Improved IP Intelligence Collection.</p>	<p>scheme allowed police to deal with minor offenders, enabling them to pay a penalty and forfeit infringing goods as an alternative to prosecution.</p> <ul style="list-style-type: none"> <li>• It was also intended to assist in minimising lost revenues through the detection of other serious crimes such as tax evasion and money laundering.</li> </ul> <p>The Attorney-General's Department supported the establishment in 2001 of a consultative group on IP enforcement to assist cooperation between federal and state law enforcement agencies and IP industries. The group is chaired by the Australian Federal Police. It has endorsed a national crime management strategy for IP offences.</p> <p>The Attorney-General's Department chairs an Interdepartmental Committee on IP Enforcement to coordinate and develop policy options on IP enforcement issues for Government consideration.</p> <p>In 2002, the Australian Federal Police appointed a national IP Intelligence Collection manager to collect information about IP crime thereby enhancing its ability to find and disrupt the sources of counterfeit and pirated goods in</p>

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		Increased funding for enforcement.	partnership with cooperating overseas agencies.  The Australian Federal Police (AFP) and Commonwealth Director of Public Prosecutions were provided with specific funding of \$12.4 million for two years until 30 June 2009 to deal with increasing numbers of IP investigations, prosecutions and proceeds of crime actions.
(4) Measures to harmonise IP rights systems in the APEC region			
		Joint WIPO-Australia working group	The joint WIPO-Australia working group established in March 2000 coordinates many of Australia's ongoing cooperative activities in the Asia-Pacific region and is one of the mechanisms through which Australia undertakes cooperative programs with APEC economies.
		APEC IP Rights Experts Group (IPEG).	Australia continues to participate actively as a Lead Economy for a number of agenda items in the APEC IP Rights Experts Group (IPEG). Ongoing cooperative activities, including bilateral technical cooperation, continue.
(5) Public education about IP	In 1996, IP Australia undertook its first client survey, focusing on customer service	Intellectual Property training within Australia's Vocational Education & Training (VET) sector (2009 – onwards)	This program is a nationally accredited training program for IP in Australia's VET sector which comprises 4,000 Registered Training Organisations providing nationally recognised training and qualifications to approximately 1.6 million students each year. The program aims to increase awareness and

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	<p>delivery, new products and services, and marketing and communications issues. IP Australia has since addressed the results of this survey in its ongoing marketing and public education activities.</p>		<p>understanding of IP across a broad cross-section of the Australian community, and improve IP knowledge transfer amongst the next generation of Australian innovators.</p> <p>The outcomes generated by this project are expected to have far ranging impacts beyond just the VET sector. They will act as a catalyst to provide national and international leadership for IP Australia in competency based IP training and development,</p> <p>thereby opening potential new opportunities for IP Australia and its partners to further improve awareness and literacy in IP.</p>
		<p>Trading Ideas Symposiums (2007 &amp; 2009)</p>	<p>The Trading Ideas international IP Symposia brought together participants from APEC economies, experts from the region's IP agencies, IP professionals, business organisations and multilateral agencies to discuss current and emerging IP challenges. Key themes of the inaugural symposium in Sydney in 2007 included the emerging Global IP Environment' and 'IP Challenges and Doing Business in APEC Economies'.</p> <p>IP Australia sponsored the second Trading Ideas Symposium hosted by Singapore in 2009.</p> <p>The website for Trading Ideas is at: <a href="http://www.tradingideas.org/">http://www.tradingideas.org/</a></p>
		<p>Seminar on the Australian IP</p>	<p>This seminar was held at the Chinese Intellectual Property Training Centre,</p>

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		system in Beijing, China (2008)	and was attended by approximately 200 Chinese attorneys, lawyers and business people. The seminar explained the Australian IP system, and highlighted the differences with the Chinese IP system.
		IP Australia's China Advocacy Program (2008)	The China advocacy program undertaken by IP Australia assists Australian business to better understand the IP environment in China and to more effectively protect their intellectual property and business interests in this market. Under this advocacy program IP Australia has delivered seminars in Australian capital cities (in cooperation with Austrade), developed fact sheets and continues to maintain a website to assist Australian intellectual property owners and their advisers trading in, or with China. See <a href="http://www.ipaustralia.gov.au/resources/china_introduction.shtml">http://www.ipaustralia.gov.au/resources/china_introduction.shtml</a>
		Representatives of Australian Government agencies regularly give presentations to workshops, conferences and university students on copyright issues.	
		IP Australia Public Education & Awareness (PE&A) suite of products	IP Australia has developed a comprehensive suite of materials for PE&A to promote IP protection and commercialisation. The suite includes resources for SMEs (Smart Start), IP Owners, journalists (Journalists Guide), exporters (country specific exporting Fact Sheets), the fashion industry (Fashion Rules) and school children and teachers (InnovatED).
		APEC IPEG Intellectual Property Rights (IPRs) Public Education and Awareness (PE&A) projects (2006 –	A three phase APEC IPEG initiative on IPR PE&A delivered in conjunction with Hong Kong and Singapore that included three workshops: <ul style="list-style-type: none"> <li>• “Effective Strategies for IPR Public Education” (hosted by Hong</li> </ul>

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		2009)	<p>Kong in 2006)</p> <ul style="list-style-type: none"> <li>• “Using Market Research to Develop Effective IPR Campaigns” (hosted by Singapore in 2007), and</li> <li>• “Conducting Effective IPR PE&amp;A Campaigns for SMEs” (hosted by Australia in 2009.)</li> </ul> <p>Presentations from the workshops and resources developed as a result of this project are hosted at a dedicated APEC IPEG PE&amp;A website at: <a href="http://www.apecipeg-pear.org/">http://www.apecipeg-pear.org/</a>. The website allows APEC economies to freely download information and resources to enhance their IP PE&amp;A campaigns. It is managed by Australia.</p>
		IP Australia’s Japan Advocacy Program (2007)	The Japan advocacy program undertaken by IP Australia assists Australian business to better understand the IP environment in Japan. As part of this program, fact sheets were developed and are available from the IP Australia website at <a href="http://www.ipaustralia.gov.au/resources/japan_introduction.shtml">http://www.ipaustralia.gov.au/resources/japan_introduction.shtml</a>
		The Attorney-General’s Department maintains a comprehensive set of publications to inform the public about recent developments in copyright law and to answer frequently asked questions see: <a href="http://www.ag.gov.au/copyright">http://www.ag.gov.au/copyright</a>	

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		<p>The Attorney-General's Department regularly distributes an electronic newsletter, the "AGD e-news on copyright", to inform stakeholders of current developments in copyright law and policy see <a href="http://www.ag.gov.au/copyright">http://www.ag.gov.au/copyright</a></p>	
		<p>In August 2008 the Attorney-General's Department and Crime Stoppers Australia released an animated educational video as part of a campaign to raise awareness about copyright and, in particular, the impact on the music industry.</p>	<p>The video was designed to educate students aged 9-15 years about copyright laws and foster respect for the effort that is invested in creative products.</p>
		<p>Other public education activities in the field of copyright are undertaken principally by the Arts Law Centre of Australia (<a href="http://www.artslaw.com.au/">http://www.artslaw.com.au/</a>) and the Australian Copyright Council (ACC) (<a href="http://www.copyright.org.au">http://www.copyright.org.au</a>). These are primarily seminars</p>	

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		and publications. The ACC receives some Government and private industry funding.	
(6) International cooperation on IP rights		WIPO – IP Australia Advanced Workshop for Examination of Traditional and Non-traditional Trademarks (2009)	<p>This workshop was developed specifically for countries in the ASEAN region, and included many APEC economies.</p> <p>The Workshop:</p> <ul style="list-style-type: none"> <li>- provided advanced training on the examination of traditional and non-traditional trademarks;</li> <li>- informed the participants on the recent developments in the area of international trademark law; and</li> <li>- provided an opportunity to exchange views and share national experiences in administering trademarks.</li> </ul>
		Action Plan for IP cooperation with Viet Nam (2008 – 2011)	<p>The main elements of this action plan are:</p> <ul style="list-style-type: none"> <li>• Public education and awareness – training on strategy development and implementation (completed 2009);</li> <li>• IP resource development – examiner training and provision of information on administration; and</li> <li>• Plant breeders rights (PBR) – assisting the development of Vietnam’s PBR system.</li> </ul>

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		Action Plan for IP cooperation with Thailand (2007 – 2010)	<p>The main elements of this action plan are:</p> <ul style="list-style-type: none"> <li>• capacity building (PE&amp;A Workshop, Cost Recovery Workshop, provision of scientific journal subscriptions for patent search and examination )</li> <li>• the provision of patent search services by IP Australia on behalf of DIP, in accordance with the Patent Cooperation Treaty guidelines. (IP Australia has provided the DIP with these services on a fee-for-service basis since 1974.)</li> </ul>
		Free Trade Agreements	<p>Australia is a party to a number of bilateral free trade agreements which include commitments on intellectual property rights and enhance cooperation:</p> <ul style="list-style-type: none"> <li>• Australia-US Free Trade Agreement</li> <li>• Australia-Singapore Free Trade Agreement</li> <li>• Australia-Thailand Free Trade Agreement</li> <li>• Australia-Chile Free Trade Agreement</li> <li>• Australia-ASEAN-NZ Free Trade Agreement</li> </ul>
		Australian Federal Police	<p>The Australian Federal Police has also engaged in international cooperation and capacity building activities in the Asia-Pacific region through the appointment of an Asia-Pacific IP Project Officer, and the hosting of an IP Crime Workshop in Bangkok in 2008.</p>

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(7) Measures to promote transparency of IP rights requirement (for example, the APEC Leaders' Transparency Standards)	(Description of illustrative measures)	(Description of illustrative measures)	
		<p>Australia complies fully with the APEC Leaders' Transparency Standards on Intellectual Property Rights.</p> <p>Judicial decisions on criminal and civil copyright and intellectual property-related cases are made available to the public by the court in which they were heard.</p>	<p>A majority of decisions are published on the Australian Legal Information Institute at <a href="http://www.austlii.edu.au/">http://www.austlii.edu.au/</a> or are published in the appropriate legal journal.</p>
	Plant Varieties Journal available online since 1996	<ul style="list-style-type: none"> <li>• AOJD available on-line (2003)</li> <li>• AOJP available on-line</li> </ul>	The availability of these journals, coupled with databases such as Auspat and ATMOSS, enable anyone with internet access to access information about IP

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	The Australian Official Journals of <ul style="list-style-type: none"> <li>• Patents (AOJP)</li> <li>• Designs (AOJD)</li> <li>• Trade Marks (AOJTM)</li> </ul> are available in hard copy	(2004) <ul style="list-style-type: none"> <li>• AOJTM available online (2005)</li> </ul>	rights in Australia.
	<ul style="list-style-type: none"> <li>• Early Australian patent data was only available in paper or microfiche formats (1904-1978)</li> <li>• A subset of information about patents registered from January 1979 to June 2002 was available through a mainframe system (1979-2002)</li> </ul>	<ul style="list-style-type: none"> <li>• Information on innovation patents and standard patent applications lodged from 5 July 2002 was accessible through a web-based search engine (2002)</li> <li>• AusPat is released and for the first time provided access to IP Australia's entire electronic patent data holdings. (2008)</li> </ul>	Australia provides searchable access to Australian patent documents and data through AusPat. Specifications are currently available from 1999. A project to back capture patent specifications from 1904 forward is underway, which will provide full text search capability of specifications on the web: <a href="http://www.ipaustralia.gov.au/auspat/">http://www.ipaustralia.gov.au/auspat/</a> .
		The Australian Trade Marks On-line Search System (ATMOSS) (1997)	ATMOSS allows users to conduct searches using a range of criteria. It is designed to help potential applicants search for similar Trade Marks registered in Australia. It is also used by Trade Mark examiners in their assessment of Trade Marks for registration.
		The Federal Attorney-General's Department maintains a website	The site contains links to the publications produced by the Department, policy papers produced on copyright law as well as links to copyright

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		<p>detailing the work that it does along with information on, and a link to up-to-date versions of copyright legislation.</p>	<p>agencies such as collecting societies and copyright law groups. This information can be found at <a href="http://www.ag.gov.au/copyright">http://www.ag.gov.au/copyright</a>.</p> <p>In 2005 the Federal Attorney-General's Department has published a booklet entitled 'Copyright Law in Australia: A short guide' which contains general information about copyright along with details about organisations which licence or advise on copyright.</p> <p>A regular newsletter called 'e-News on copyright' is published by Attorney General's Copyright Law Branch. It provides free regular updates on national and international developments in copyright law and policy. Subscription to the service is open to anyone via the Department's website. An archive of past newsletters is contained on the website and provides an overview of the developments in Australian and international copyright law over the past seven years.</p> <p>The Attorney-General's Department has undertaken a number of reviews of the Copyright Act since 2003 and endeavors to publish documents associated with the reviews, including issues papers and the Government's response, on its website at <a href="http://www.ag.gov.au">http://www.ag.gov.au</a>.</p>

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		The Federal Government provides funding to the Australian Copyright Council which is an independent, not for profit organisation that provides information, training and advice about copyright law in Australia.	
<b>8. Competition Policy</b>			
(1) Development of competition laws and establishment of competition authority	The competitive conduct rules are set out in the Trade Practices Act 1974 (a Federal law) and the Competition Code (State and Territory law). These rules prohibit specific types of anti-competitive conduct, including: anti-competitive agreements; misuse of substantial market power; exclusive dealing; resale price maintenance; and anti-competitive acquisitions.	As per 1996	<p><u>Amendments to the Trade Practices Act 1974</u></p> <p>In 2003, prices surveillance power was transferred from a separate Act into the Trade Practice Act 1974 in recognition that it had become part of Australia's competition policy.</p> <p>In 2004, a new notification process was introduced under which small business can bargain collectively with large businesses.</p> <p>In 2005, amendments were introduced to clarify the role of the Australian Competition and Consumer Commission and the Australian Competition Tribunal in the merger authorisation processes.</p> <p>In 2008, section 46 of the Act was amended to enhance the prohibitions against anticompetitive unilateral conduct, including addressing predatory pricing, clarifying the role of recoupment in predatory pricing cases under section 46 and clarify the meaning of the term 'take advantage'.</p>

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	<p>The ACCC was established in November 1995 by the merger of the former Trade Practices Commission and the Prices Surveillance Authority upon the recommendation of the Hilmer Committee. It is an independent, national statutory authority and administers the Trade Practices Act 1974.</p> <p>Australian competition policy also extends to; laws for access to essential facilities; laws for price oversight of firms with substantial market power; principles for review and reform of anti-competitive regulation; principles for structural reform of public monopolies; and principles for competitive neutrality between government and privately owned businesses.</p>		<p><u>Australian Consumer Law</u></p> <p>On 2 October 2008, a new consumer policy framework was agreed, comprising a single national consumer law, the Australian Consumer Law, based on the consumer protection provisions of the TPA. This includes provisions regulating unfair contract terms; a uniform, streamlined regulatory system for consumer product safety; new civil penalties, enforcement powers and redress options; and additional changes based on best practice in existing state and territory laws.</p> <p><u>Criminalisation of Cartels</u></p> <p>On 26 June 2009, the Trade Practices Amendment (Cartel Conduct and Other Measures) Act to criminalise serious cartel conduct came into effect. It prohibits a person from making, or giving effect to, an agreement between competitors that contains a provision to fix prices, restrict outputs, divide markets or rig bids. The Cartels Act established criminal penalties for individuals of a 10-year jail term and/or a fine of \$220,000; and for corporations, the greater of \$10 million, three times the benefit obtained from the prohibited behaviour, or 10 per cent of annual turnover.</p> <p>Access to nationally significant infrastructure</p> <p>In 2006 the federal and state governments of Australia agreed to the Competition and Infrastructure Reform Agreement which contained a suite of reforms to achieve a simpler and more consistent approach to the regulation of nationally significant infrastructure. Governments have made significant progress in implementing reforms under this agreement.</p> <p>Telecommunications reforms</p> <p>The federal government has recently announced fundamental reforms to the existing competition regulation of telecommunications. These reforms address the highly integrated structure of the Australian telecommunications</p>

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			market and streamline and simplify the competition regime for telecommunications.
(2) Consistency with APEC Principles to Enhance Competition Policy and Deregulation and efforts to become consistent with the Principles	All	All	<p><u>National Competition Policy</u>  In 1995, the federal and state governments of Australia reached agreement to implement a National Competition Policy, to enable competition reform to be undertaken in a structured, transparent and comprehensive manner. It covered amendments to the Trade Practices Act 1974, provision for third party access to nationally significant infrastructure, the introduction of competitive neutrality for government businesses, restructuring of public sector monopoly businesses, and a review of all laws which restrict competition.</p> <p>The National Competition Policy proceeded in three tranches from 1997-98 and concluded in 2005-06 and all levels of Australian government undertook a series of reforms.</p> <p>The National Competition Policy is widely recognised as having made a significant contribution to Australia's welfare. The Productivity Commission <a href="#">Review of National Competition Policy Reforms</a> in 2005 found that the National Competition Policy had delivered substantial benefits to the Australian community.</p> <p><u>National Seamless Economy</u>  In 2008, the federal and state governments of Australia agreed to the National Partnership Agreement to deliver a National Seamless Economy agenda. This agenda will deliver more consistent regulation across jurisdictions, address unnecessary or poorly designed regulation, and reduce restrictions on competition. This agreement includes eight priority areas of competition reform including:</p> <p>five new priority areas: review of Australia's anti-dumping and countervailing system; review of parallel import restrictions on books;</p>

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			rationalisation of occupational licences; further national transport policy reform; and further reforms to infrastructure access; and implementation of previously agreed reforms in the three areas of energy, transport and infrastructure.
(3) International cooperation on Competition law/policy	<p>Australia participates actively in the competition law and policy-related activities of APEC, the OECD, the WTO and the ICN.</p> <p>Australia signed an inter-agency cooperation agreement with New Zealand in July 1994.</p>	<p>Australia participates actively in the competition law and policy-related activities of APEC, the OECD, the WTO and the ICN.</p> <p>The Australian Competition and Consumer Commission has cooperation agreements with a number of economies to share information and cooperate on issues, including the U.S, New Zealand, Korea and Papua New Guinea.</p> <p>Australia actively participates in, and contributes to, the work on competition issues within APEC. Australia seeks to encourage the exchange of information on developments between APEC economies and</p>	<p>On 20 August 2009, Australia and New Zealand agreed to a Single Economic Market work program to establish common frameworks for a number of economic and regulatory matters.</p> <p><u>Achievements of Structural Reform Ministerial Meeting</u></p>

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		<p>develop a forum for dialogue to deepen understanding of competition policy within APEC.</p> <p><u>Structural Reform Ministerial Meeting</u>            In 2008, Australia hosted the APEC Structural Reform Ministerial Meeting, the first APEC meeting solely devoted to structural reform, to provide an opportunity for Ministers to engage in an open dialogue about their experiences of structural reform.</p>	<p>The meeting greatly increased the profile of structural reform, and provided an open dialogue and a number of examples for economies to draw from when progressing future structural reforms.</p> <p>The meeting also agreed to progress a voluntary review process for institutional frameworks and processes for structural reform, for which a Handbook has now been completed. Reviews are likely to commence in 2010.</p>
<b>9. Government Procurement</b>			
(1) Increasing transparency of laws, regulations, bidding system, and how to determine bidding qualifications and	In 1996, Australian Government procurement information was made available through the Government Electronic Marketplace (GEMS) published on the internet.	Information about the Government Procurement framework in Australia is found through the Department of Finance and Deregulation website <a href="http://www.finance.gov.au">www.finance.gov.au</a> and is easily accessible to the public.	<p>The Commonwealth Procurement Guidelines (CPGs) were revised and updated in December 2008 improving and promoting accountability and transparency as primary considerations throughout the procurement process.</p> <p>There have been a number of significant improvements to AusTender in order to enhance its efficiency and availability to both domestic and international</p>

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bid winners		<p>The publication that outlines the essential principles of the framework is the Commonwealth Procurement Guidelines – January 2008 (CPGs). The CPGs establish accountability and transparency as primary considerations throughout the procurement process. Publicly available business opportunities are advertised on the Australian Government Tender System (AusTender) web page at <a href="https://www.tenders.gov.au">https://www.tenders.gov.au</a></p> <p>Australian Government Departments and Agencies are required to report all contracts and standing offers entered with an estimated value of A\$10,000 or more on the AusTender website.</p>	suppliers. Participation is actively encouraged by the Department of Finance and Deregulation and is paramount to AusTender’s ongoing value as a multifunction whole of Government electronic system.
(2) Restrictions on foreign goods, services or suppliers, or preferences to	Some industry development linked policies	Limited, by exception	The Australian Government promotes general procurement principles of non-discrimination and open competition. Procurement methods must not unfairly discriminate against small and medium enterprises (SMEs) to ensure SMEs are able to engage in fair competition. Conditions for participation

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domestic suppliers			(CFP) must not specify, as a requirement, that potential suppliers have previous experience with the agency or the Australian Government or in a particular location. Technical specifications must be specified in terms of performance and functional requirements rather than design and descriptive characteristics.
(3) Reciprocity requirements in providing access to government procurement markets	existing	The Australian Government's procurement framework is non-discriminatory with respect to foreign content or ownership. Effectively it extends to all foreign suppliers and products the same treatment that the Australian Government is obliged to provide to its FTA partners. The principle of reciprocity is therefore not applicable.	The CPGs establish a central requirement for each Party to not discriminate in the treatment of suppliers, goods and services of the other Party and determines that non-discrimination means treatment that is no less favourable than the most favourable treatment afforded to domestic suppliers, goods and services.  Since 2005, Australia has concluded an FTA with Chile that further demonstrates the Australian Governments ongoing initiative to increase open and transparent procurement.
(4) Consistency with the APEC Non-binding Principles on Government Procurement	Most	All	The CPGs were updated in 2008 and continue to promote value for money as the core principle underpinning Australian Government procurement. Accountability and transparency are also primary considerations in procurement. The CPGs promote non-discrimination and open competition, presuming a general principle of open tendering at some stage during a procurement process and following the NBP principle that treatment no less favourable than that accorded in like situations to domestic investors. Australian legislation requires Government procurements to be efficient, effective and ethical, thereby meeting the NBP of fair dealing.

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(5) Introduction of electronic means for government procurement	Not introduced	Introduced	<p>AusTender provides centralised publication of Australian Government business opportunities, annual procurement plans, multi-use lists and contracts awarded. AusTender is the Australian Government's procurement information system, a centralised web-based facility which publishes agencies' planned procurements, approaches to market and contracts awarded.</p> <p>It also supports secure electronic tendering to deliver tender process integrity and efficiencies for agencies and business.</p> <p>As the reporting element of the Australian Government's Procurement Framework, AusTender is both a compliance mechanism for agencies to meet their transparency and accountability obligations to Parliament and to the public, and a business intelligence tool for industry that improves access to and participation in Government business opportunities.</p> <p>AusTender's progressive expansion over the past 6 years has consolidated 3 procurement workflow and reporting systems that were managed by 3 separate agencies. In addition, since 2005 AusTender has provided the means for agencies to meet the procurement transparency obligations of Australia's Free Trade Agreements and it continues to grow and adapt to evolving policy and process imperatives. Participation by user agencies in AusTender's management and future development is actively encouraged by Finance and is paramount to AusTender's ongoing value as a multi-function whole of Government system.</p>
10. Deregulation/			The current Australian Government took office in November 2007 with an

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Regulatory Reform			<p>ambitious regulatory reform agenda reflecting its policy objective that well-designed and targeted regulation reduces costs and complexity for business, and the not-for-profit sector and that better regulation will enhance Australia's productivity and international competitiveness. Australia is committed to ongoing regulatory reform and has established innovative institutional frameworks to support continuous improvement in regulatory quality. This contrasts with previous episodic efforts.</p> <p>The Australian Government is not only focussing on reducing regulation and its costs, though this is an important element of its agenda. The Government is also targeting poorly designed and inefficient regulation. Importantly, the objective of a Regulation Impact Statement (RIS) in Australia is not to recommend the lowest cost regulatory option – the RIS should clearly identify the regulatory costs of different options as well as other costs and benefits and allow Government to make a decision which maximises net benefits to the community.</p> <p>The Australian Government has significantly strengthened advocacy for regulatory reform by giving it explicit Cabinet-level status and by appointing two ministers with direct responsibilities for regulatory reform (the Minister for Finance and Deregulation, the Hon Lindsay Tanner MP, and the Minister Assisting the Finance Minister on Deregulation, the Hon Dr Craig Emerson MP).</p> <p>Policy advisory roles have been strengthened by establishing a new Deregulation Policy Division (DPD), which is co-located with the Office of Best Practice Regulation (OBPR) within a central agency of Government (the</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>Department of Finance and Deregulation). The OBPR administers Regulatory Impact Analysis (RIA) by reviewing the adequacy of RIA (which is required for all Australian Government regulatory proposals) and in reporting annually on agency compliance. The Government has reaffirmed the independence of the OBPR. A challenge function is provided by DPD, which advises on how regulatory costs can be minimised and challenges the quality of new regulatory proposals and the effectiveness of current regulation. For example, DPD is leading a clean up of redundant regulation, which has identified some 200 pieces of regulation which will be removed in 2009. In addition, DPD provides secretariat services to the Business Regulation and Competition Working Group (BRCWG) of the Council of Australian Governments (COAG) – a group which focuses on removing regulatory costs and barriers between jurisdictions.</p>
(1) Reviews of existing regulations	All	All	<p>The regulatory reform agenda is designed to engender a culture of continuous improvement in regulatory quality, where agencies and portfolio ministers take responsibility for regulatory outcomes.</p> <p>The agenda encompasses both regulation at the Commonwealth (national) level and cross-jurisdictional regulation. At the cross-jurisdictional level, business has indicated particular concerns with obstacles to competitiveness through costs generated by inconsistent regulatory regimes between the states and territories, and the Australian Government has moved comprehensively to address concerns in these areas.</p> <p>The current Australian Government, together with states and territories agreed in December 2007 that business regulation and competition would be included as one of COAG's key national priorities. Reflecting COAG's</p>

	Status in 1996	Status in 2009	<b>Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices</b>
			<p>commitment to a seamless national economy, COAG established the Business Regulation and Competition Working Group (BRCWG) chaired jointly by the Minister for Finance and Deregulation and the Minister Assisting the Finance Minister on Deregulation, and supported by officials from the Australian Government and all state and territory jurisdictions. Targets for national reform oversighted by the BRCWG largely reflect examples of inefficient and duplicative national regulation, where reform could yield greatest net benefits. A National Partnerships Agreement between the Australian Government and the states and territories was agreed by COAG on 29 November 2008, under which the Australian Government will make available up to \$550 million to states and territories to complete 27 deregulation priorities.</p> <p>At the national level, the Australian Government is undertaking a range of measures designed to promote greater and earlier engagement in the policy development process with best practice regulation considerations to ensure that regulatory impacts on business are minimised, and that the most efficient regulatory solutions are implemented.</p> <p>All Australian Government regulation not subject to sunset or other statutory review provisions is required to be reviewed every five years. Agencies are required to determine the type of review by taking into account the nature of the regulation and its perceived performance. Also, the Parliament (including through its committees) regularly undertakes and commissions reviews of existing legislation and regulation.</p> <p>The Government is also promoting the development of Better Regulation</p>

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			<p>Ministerial Partnerships, which are projects agreed between the Minister for Finance and Deregulation and his Ministerial counterparts to address specific regulatory concerns. A number of partnerships are now underway including in relation to the simplification of product disclosure statements for financial services and improvements relating to health technology assessment processes.</p> <p>Also a whole-of-government stocktake of regulation was completed in July 2008, which identified more than 200 pieces of redundant regulation for removal. Follow-up action on the stocktake of regulation is well advanced. The Statute Stocktake (Regulatory and Other Laws) Act 2009 (the Act) commenced on 17 November 2009. The Act amends or repeals almost 30 Acts where the provisions no longer have any function or purpose. Further, the Government has initiated a major review of the stock of existing subordinate regulation. As part of the Government's response to the Global Financial Crisis announced in the Updated Economic and Fiscal Outlook in February 2009, a review of pre-2008 subordinate legislation and other regulation will document those regulations which impose net costs on business and to identify scope to improve regulatory efficiency. Around 30,000 subordinate instruments are being reviewed to identify priorities.</p> <p>Reviews of regulation, by bodies such as the Productivity Commission (PC), are commissioned on a regular basis. The PC has been asked to examine, via a rolling five-year cycle of reviews, the burdens on business arising from the stock of Australian Government regulation. All sectors of the economy will be examined over the cycle. The Government has responded to the first 2 Annual Reviews of Regulatory Burdens on Business reports by the</p>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
			<p>Productivity Commission, accepting or accepting in principle 68 of the 84 recommendations. The Government is now considering the next report in this series, Annual Review of Regulatory Burdens on Business: Social and Economic Infrastructure Services, which was released on 15 September 2009.</p> <p>As a further capacity-building initiative, in October 2008, the Minister for Finance and Deregulation asked the Organisation for Economic Cooperation and Development (OECD) to undertake a Regulatory Review of Australia. This review will provide valuable insights to support the Government's commitment to strengthened processes for regulation making and review and better regulation outcomes. The OECD is expected to report its findings to the Australian Government in early 2010.</p>
(2) Reviews of new or proposed regulations	All	All	<p>The current Government has strengthened Australia's institutional framework by combining the efforts of the Office of Best Practice Regulation with the new Deregulation Policy Division within the Department of Finance and Deregulation. Strengthened policy oversight processes are providing a greater quality assurance in respect of new regulatory proposals, improving policy design and providing a capacity to more readily target inefficient regulation.</p> <p>DPD provides a challenge function to proposed regulation. It comments on the merits of regulatory proposals, and works with agencies from the early stages of policy development to ensure that desirable regulatory outcomes are achieved. Regulatory quality is also enhanced by the Cabinet process where regulatory impacts are considered by senior ministers. Legislation is subject</p>

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			<p>to scrutiny by the Australian Parliament, as are legislative instruments enacted under primary legislation.</p> <p>RIA requirements have been in place since the mid 1980's and were given new impetus in 1997 as part of the Australian Government's response to the recommendations of the Small Business Deregulation Taskforce. RISs became mandatory for all Commonwealth legislation or regulation that had the potential to affect business. Proposals which will have a significant impact on business and individuals or the economy must be subjected to in-depth analysis in a RIS.</p> <p>Australian Government consultation requirements, outlined in the Best Practice Regulation Handbook, are applied to all major regulatory initiatives and cover all aspects of regulation development. The OBPR reports annually on the regulatory activities of Australian Government departments and agencies, including whether departments and agencies have undertaken required RIA and whether it was adequate.</p>
(3) Consistency with APEC Principles to Enhance Competition and Regulatory Reform	All (Please see competition response for detail)	All (Please see competition response for detail)	
(4) Improving transparency in regulatory regimes	(Description of illustrative measures)	(Description of illustrative measures)	The Australian Government's better regulation agenda aims to enhance Australia's productivity performance and create a seamless national economy. The agenda addresses regulatory reform and focuses on the development of a culture of continuous improvement in regulation-making and review.

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			<p>The Australian Government is also working with the states and territories to reduce the regulatory burden on business in areas of shared responsibility.</p> <p>On 20 December 2007, the Council of Australian Governments (COAG) agreed to a new reform agenda across a broad range of issues, such as health, water, regulatory reform and the broader productivity agenda. As part of the COAG Reform Agenda, in November 2008, COAG agreed to the National Partnership Agreement to Deliver a Seamless National Economy (the NP). The NP is intended to contribute to:</p> <ul style="list-style-type: none"> <li>· creating a seamless national economy, reducing costs incurred by business in complying with unnecessary and inconsistent regulation across jurisdictions;</li> <li>· enhancing Australia’s longer-term growth, improving workforce participation and overall labour mobility; and</li> <li>· expanding Australia’s productive capacity over the medium-term through competition reform, enabling stronger economic growth.</li> </ul> <p>The NP Implementation Plan comprises three parts:</p> <ul style="list-style-type: none"> <li>· Part 1 – Twenty-seven deregulation priorities, where inconsistent and overlapping regulations across jurisdictions impede business productivity and innovation, and workforce mobility and skill acquisition. These deregulation priorities include nationally uniform occupational health and</li> </ul>

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			<p>safety laws; a national trade licensing system; a national system for registering business names; and national regulation of margin lending, mortgage credit and advice, non-deposit taking institutions and remaining areas of consumer credit.</p> <ul style="list-style-type: none"> <li>· Part 2 - eight priority areas of competition reform. These reforms include reviews of Australia's anti dumping and countervailing system; energy, infrastructure access and transport reforms.</li> <li>· Part 3 - developing and enhancing existing processes for regulation making and review.</li> </ul> <p>Under the NP, the Commonwealth committed to provide funding to the States and Territories of up to \$550 million over five years. The payments are in two components: \$100 million in facilitation payments to recognise the net set-up costs and revenue forgone as a result of implementing reforms; and up to \$450 million in reward payments.</p> <p>The Implementation Plan sets out the outcomes and key milestones for each jurisdiction for reform. The achievement of these key milestones is to be assessed annually for the Commonwealth and each state and territory by the COAG Reform Council (CRC), with jurisdictions to provide a detailed report to the CRC on its progress against the key milestones for each financial year of the NP.</p> <p>The Commonwealth will provide the reward payments based on the CRC's advice as to the achievement of the key milestones for the 27 deregulation</p>

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			<p>priorities. There are no reward payments for the competition reforms and for further improving processes for regulation making and review.</p> <p>COAG's Business Regulation and Competition Working Group (BRCWG) is responsible for monitoring progress of the reforms against the NP Implementation Plan.</p> <p>Better Regulation Partnerships</p> <p>Better Regulation Ministerial Partnerships take forward opportunities to improve the quality of regulation. Current better regulation partnerships include:</p> <ul style="list-style-type: none"> <li>· A project is simplifying financial services disclosure documents, making them more readable and accessible for consumers and less costly for business to produce.</li> <li>· The Health Technology Assessment Review. This initiative will recommend ways to improve the timeliness of patient access to beneficial health technologies and reduce regulatory costs for industry, be they surgeons, researchers, manufacturers, private health insurance providers and ultimately consumers.</li> </ul>
<b>11. WTO Obligation/ Rules of Origin</b>			
(1) WTO/UR Agreements not yet fully implemented	N/A	N/A	Australia is an active participant in the work of the Committee on Rules of Origin and the World Customs Organisation Technical Committee on Rules of Origin. Australia is an active participant in the work by these bodies on

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			the Harmonization Work Programme.
(2) Ensuring application of rules of origin in an impartial, transparent and neutral manner	Australia's application of rules of origin under Customs Tariff legislation is governed by the principle of ensuring application of rules of origin in an impartial, transparent and neutral manner.	Australia's application of rules of origin under Customs Tariff legislation continues to be governed by the principle of ensuring application of rules of origin in an impartial, transparent and neutral manner.	Australia's approach to applying rules of origin governed by the principle of ensuring application in an impartial, transparent and neutral manner has been maintained in its negotiation of regional trade agreements with New Zealand, Singapore, the United States, Thailand, Chile and ASEAN and New Zealand (completed), and with Japan, China, Korea, Malaysia and the Gulf Cooperation Council (still under negotiation).
<b>12. Dispute Mediation</b>			
- Dispute mediation methods, processes and bodies available to foreign businesses	<ul style="list-style-type: none"> <li>• Investment Promotion and Protection Agreements (IPPAs).</li> <li>• New York Convention.</li> <li>• Convention on the Settlement of Investment Disputes (ICSID).</li> <li>• UNCITRAL Model Law on International Commercial Arbitration.</li> </ul>	<ul style="list-style-type: none"> <li>• Investment Promotion and Protection Agreements (IPPAs).</li> <li>• New York Convention.</li> <li>• Convention on the Settlement of Investment Disputes (ICSID).</li> <li>• UNCITRAL Model Law on International Commercial Arbitration.</li> <li>• Institute of Arbitrators and Mediators Australia.</li> <li>• Australian Commercial Disputes Centre.</li> <li>• Lawyers Engaged in Alternative Dispute</li> </ul>	Where appropriate, Australia supports the inclusion of provisions in multilateral and bilateral treaties encouraging the amicable resolution of disputes and providing a variety of dispute settlement options, including conciliation and arbitration.

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		Resolution (LEADR).	
<b>13. Mobility of Business People</b>			
(1) Number of visa free or visa waiver arrangements	0	0	Although Australia has a universal visa policy, it allows visitors from 34 economies (including 7 APEC economies) to obtain an Electronic Travel Authority (ETA) which provides many of the benefits of visa free travel. An ETA application is lodged online prior to travel by the traveller or, on their behalf, by travel agents and airlines. In most cases, ETA provides immediate confirmation that a traveller has been approved to travel to Australia at which time an electronic visa linked to the traveller's passport is automatically issued.
Visa free or visa waiver arrangements with APEC member economies	N/A	N/A	ETA-eligible APEC economies are Canada, Hong Kong (China), Malaysia, Singapore, South Korea, Chinese Taipei and United States. New Zealand passport holders are eligible for a visa on arrival to Australia.
(2) Participation in the APEC Business Travel Card scheme	No	Yes	Australia piloted the ABTC scheme with Korea and the Philippines in 1997. In 1997 Australia approved 560 applicants compared to an estimated 8,500 in 2009. There are currently 25,000 active Australian cardholders out of 78,000 total active cardholders from all 18 fully participating economies. Since 1997, Australia has approved almost 70,000 foreign ABTC applications for facilitated travel to Australia.  In addition, Australia administers the ABTC scheme on behalf of participating economies and funds the ABTC application processing system.
(3) Other efforts to facilitate mobility of		Nil	

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business people than the above			
(4) Average time to approve for short term business visit visa		2.1 days for short term business visas.  ETA processing time is immediate	
<b>14. Trade Facilitation</b>			
(1) Consistency with APEC Principles on Trade Facilitation	--	All	
(2) Implementation of Trade Facilitation Action and Measures (approved in 2002)	<i>(see mid-term review)</i>	Substantially all <i>(see IAP 2009 and relevant template chapters)</i>	
<b>15. Promotion of High-Quality RTAs/FTAs</b>			
(1) Number of RTAs/FTAs concluded/signed	1	6	
RTAs/FTAs concluded/signed with APEC member economies	<a href="#">Australia-New Zealand Closer Economic Relations</a>	<ul style="list-style-type: none"> <li>• <a href="#">ASEAN-Australia-New Zealand FTA</a></li> <li>• <a href="#">Singapore-Australia FTA</a></li> <li>• <a href="#">Thailand-Australia FTA</a></li> </ul>	AANZFTA is the largest FTA Australia has concluded. ASEAN and New Zealand together account for 20% of Australia's total trade in goods and services, which were worth \$112 billion in 2008. This is larger than our trade with any single country.  AANZFTA contains regional rules of origin and substantial tariff reduction

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		<ul style="list-style-type: none"> <li>• <a href="#">Australia-United States FTA</a></li> <li>• <a href="#">Australia-Chile FTA</a></li> </ul>	<p>and elimination commitments, as well as World Trade Organization (WTO)-plus commitments in other areas such as services, which will provide commercially meaningful benefits to Australian business and further strengthen Australia's commercial ties with ASEAN.</p> <p>Singapore-Australia FTA: The agreement further strengthens trade and investment links between Australia and Singapore. In addition to tariff elimination, the agreement improves increased market access for Australian exporters of services, particularly education, environmental, telecommunications, and professional services. It also provides a more open and predictable business environment across a range of areas, including competition policy, government procurement, intellectual property, e-commerce, customs procedures and business travel.</p> <p>The Thailand-Australia Free Trade Agreement is a major market opening agreement, which will result in Thai tariffs on virtually all goods imported from Australia being eliminated by 1 January 2010. It will also substantially improve the environment for bilateral services trade and investment. Australia and Thailand plan to engage in additional negotiations under TAFTA's inbuilt agenda.</p> <p>The Australia-United States Free Trade Agreement (AUSFTA) entered into force on 1 January 2005. AUSFTA is a comprehensive agreement that covers goods, services, investment, financial services, government procurement, standards and technical regulations, telecommunications, competition-related matters, electronic commerce, intellectual property rights, labour and the environment.</p> <p>The Australia-Chile FTA covers trade in goods, services and investment and</p>

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			<p>is truly liberalising with commitments that go beyond both countries' WTO commitments.</p> <p>The FTA delivers the most comprehensive outcome on goods in any such agreement negotiated with another agricultural producing country since the Closer Economic Relations Agreement with New Zealand. Tariffs on all existing merchandise trade – in both directions – will be eliminated by 2015.</p>
(2) Number of RTAs/FTAs under negotiation	None	5	
RTAs/FTAs being negotiated with APEC member economies		<ul style="list-style-type: none"> <li>• <a href="#">Australia-China FTA Negotiations</a> (1 Dec 2008)</li> <li>• <a href="#">Australia-Japan FTA Negotiations</a> (17 Nov 2009)</li> <li>• <a href="#">Australia-Korea FTA Negotiations</a> (30 Nov 2009)</li> <li>• <a href="#">Australia-Malaysia FTA Negotiations</a> (3 Dec 2009)</li> <li>• <a href="#">Pacific Agreement on Closer Economic Relations (PACER Plus)</a> (24 Oct 2009)</li> </ul>	

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
(3) Consistency with APEC Model Measures for RTAs and FTAs	(Description of Consistency with APEC Model Measures)	(Description of Consistency with APEC Model Measures)	All of Australia's FTA are consistency with APEC Model Measures
<b>16. Voluntary Self-Reporting Labour (optional)</b>			
(1) Measures to provide for effective enforcement of fundamental labour rights.	Workplace Relations Act, 1996	Fair Work Act, 2009	<p>Fair Work Act 2009</p> <p>The Fair Work Act came in to force on 1 July 2009. Measures of the Fair Work Act include: new National Employment Standards and modern awards; minimum wage setting; and bargaining streams for low-paid workers for example.</p> <p>Labour Administration – Fair Work Australia</p> <p>Since 1 July 2009 Fair Work Australia commenced operation as an independent statutory agency to oversee the new workplace relations system.. The Fair Work Ombudsman enforces the Act and provides advice and assistance to employers and employees..</p>
(2) Measures to provide for procedural guarantees and transparency for judicial proceedings related to fundamental labour rights.	Workplace Relations Act, 1996	<p>Fair Work Act, 2009</p> <p>Fair Work Australia began operation on 1 July 2009 as the new independent national workplace relations tribunal. Fair Work Australia assumed the functions of the Australian Industrial Relations Commission</p>	<p>Fair Work Australia is the independent national workplace relations tribunal. It is an independent body with power to carry out a range of functions relating to:</p> <ul style="list-style-type: none"> <li>• the safety net of minimum wages and employment conditions</li> <li>• enterprise bargaining</li> <li>• industrial action</li> <li>• dispute resolution</li> <li>• termination of employment</li> </ul>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
		(AIRC) and the Australian Industrial Registry (both date back to 1904).	<ul style="list-style-type: none"> <li>• other workplace matters.</li> </ul> <p>Fair Work Australia began operation on 1 July 2009 following the enactment of the Fair Work Act 2009 and associated transitional legislation. The new tribunal assumed the functions of the Australian Industrial Relations Commission and the Australian Industrial Registry (both date back to 1904) and the Australian Fair Pay Commission (established in 2005) and some of the functions of the Workplace Authority (established in 2007).</p> <p>Fair Work Australia is part of Australia's national workplace relations system which also includes the <a href="#">Fair Work Ombudsman</a> and the Fair Work divisions of the <a href="#">Federal Court of Australia</a> and the <a href="#">Federal Magistrates Court of Australia</a>.</p>
(3) Public awareness about fundamental labour rights.	Employer Advisor Program – Government funded information sessions provided by employer groups to employers in relation to the Workplace Relations Act.	Fair Work Education and Information Program - government grants will be made available to selected community, employee, employer and small business organisations to provide information and education services to employees, employers and small business operators about the Fair Work Act and how it will affect them.	<p>Fair Work Education and Information Program – (see previous)</p> <p>Fair Work Information Statements (FWIS) – Fact sheets outlining prescribed information about an employee's rights and entitlements at work, including the National Employment Standards (NES), Modern Awards, agreement making, freedom of association and the role Fair Work Australia (FWA) will be provided to all new employees from Jan 2010.</p> <p>The purpose of the FWIS is to provide employees with advice about where to go for information and assistance on workplace issues, as well as providing contact details for FWA/FWO.</p>
(4) International cooperation on fundamental labour	Ratification of Convention 173: In 1994, Australia ratified the ILO's	Australia-ILO Partnership Agreement 2010-2015: In June 2009, the Australian	<ul style="list-style-type: none"> <li>• Australia-ILO Partnership Agreement 2010-2015 (see previous)</li> </ul>

	Status in 1996	Status in 2009	Major Achievements incl. Significant Progress after the Mid-term Stocktake and Example of Best Practices
rights.	<p>Workers' Claims (Employer's Insolvency) Convention, 1992.</p> <p>Ratification of Convention 166: In 1995, Australia ratified the ILO's Repatriation of Seafarers (Revised) Convention, 1987.</p>	<p>Government announced that it would provide \$15 million over 2 years under a partnership arrangement with the International Labour Organisation (ILO) to support sustainable employment initiatives in South-east Asia and the Pacific. Funding for the remaining three years of the agreement will be decided at a later date.</p> <p>Ratification of Convention 155: In 2004, Australia ratified the ILO's Occupational Safety and Health Convention, 1981.</p> <p>Ratification of Convention 182: In 2006, Australia ratified the ILO's Worst Forms of Child Labour Convention 1999.</p> <p>Australia-United States Free Trade Agreement, including Chapter 18 on labour, entered into force 1 January 2005.</p>	<ul style="list-style-type: none"> <li>• Supported ILO's Global Jobs Pact</li> </ul> <p>Australia has been fully supportive of the ILO's role in the multilateral response to the global economic crisis. The ILO's Global Jobs Pact, agreed in June 2009 and endorsed by the Australian Government, represented a major contribution to international efforts to combat the crisis and bring about a robust and sustainable recovery. The Pact is a set of broad policy measures that countries can adopt and/or adapt to suit their own national circumstances, putting employment and social protection issues at the heart of recovery efforts.</p> <ul style="list-style-type: none"> <li>• Supported ILO's Declaration on Social Justice for a Fair Globalisation.</li> </ul> <p>The Australian Government strongly supports the ILO Declaration on Social Justice for a Fair Globalisation 2008, designed to strengthen the ILO's capacity to promote its Decent Work Agenda and forge an effective response to the growing challenges of globalization.</p> <ul style="list-style-type: none"> <li>• Australia-United States Free Trade Agreement</li> </ul> <p>Chapter 18 (Labour) reaffirms the international labour commitments of both countries, and provides for cooperation on labour matters of mutual interest.</p> <ul style="list-style-type: none"> <li>• Australia-Chile Free Trade Agreement</li> </ul> <p>Chapter 18 (Cooperation) includes provisions on labour committing the parties to cooperation on labour and employment matters.</p>

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		Australia-Chile Free Trade Agreement, including provisions on labour, entered into force 6 March 2009.	
<b>● Environment</b> (optional)			
Actions to liberalize trade and investment in environmental goods and services			
<b>Environmental Goods</b>			
		Australia already has very low tariffs on potential environmental goods, reflecting the low general tariff arrangements across most industrials. For example, the simple average tariff on Australia's imports of potential environmental goods is 3.8 per cent (based on the World Bank list of 43 products at HS 6-digit level <sup>1</sup> ).	Active participation in the Doha Round negotiations on the reduction or elimination of tariff and non-tariff barriers to environmental goods and services (EGS).  Co-hosting (with Indonesia) an APEC Trade and Environment Workshop in May 2009 to promote an open dialogue on environment policy and regulatory developments with implications for trade in EGS in the region.

<sup>1</sup> *International Trade and Climate Change: Economic, Legal, and Institutional Perspectives*, World Bank (2007)

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<b>Environmental Services</b>			
	Commitments on sewerage services, refuse disposal and sanitation services in the Uruguay Round.	Reclassification and additional commitments on services related to protection of ambient air and climate, remediation and cleanup of soil and water, noise and vibration abatement, protection of biodiversity and landscape and other environment protection services, including environmental impact assessment services. Our commitments now cover all services to the two-digit level of CPC94.	Privatised services which were previously in the exercise of governmental authority, such as the operation of wastewater treatment plants.  Reviewing commitments on cross-border trade in environmental services with the emergence of new communication technologies which may facilitate the provision of consultancy services across international borders.