| Australia: Bogor Goals Individual Action Plan Update – Feb 2012 |
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| ***Highlights of recent policy developments which indicate how Australia is progressing towards the Bogor Goals and key challenges it faces in its efforts to meet the Goals.*** |

| *IAP Chapter (and Sub-Chapter and Section Heading, if any)* | ***Improvements made since 2009 IAP*** | ***Further Improvements Planned*** |
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| Tariffs | From 1 January 2010:  Australia has reduced MFN tariffs on passenger motor vehicles and components, footwear, carpets and certain fabrics and textiles from 10 per cent to 5 per cent;  Under the Thailand-Australia FTA, tariffs on 529 tariff lines covering footwear, automotive components and carpets fell to zero, while tariffs on apparel and certain finished textiles have been reduced to 5 per cent; and  Tariffs on passenger motor vehicles and some textile products from the United States have also fallen to zero, with tariffs on carpets and some finished textile products falling to 3 per cent, and tariffs on apparel being reduced to 8 per cent.  <http://www.customs.gov.au/> | From 1 January 2015:  MFN Tariffs on apparel and certain finished textile products are set to be reduced from 10 per cent to 5 per cent;  All remaining tariffs on goods from Thailand and Chile will be removed under Australia’s bilateral FTAs with those economies; and  All remaining tariffs on goods from the US will fall to zero.  Tariffs on all goods imported to Australia under the ASEAN-Australia-New Zealand FTA will be removed by 2020. |
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| Non-Tariff Measures  *Contact point for further details:* | **Reforms to Australia’s quarantine and biosecurity arrangements**  The Australian Government is committed to improving Australia’s biosecurity system to safeguard the economy, facilitate trade and protect our environment  The reforms being implemented are consistent with the themes outlined in the 2008 (Beale) independent review of Australia’s quarantine and biosecurity arrangements.  A number of reforms are currently underway, with key achievements to date including:   * the negotiation of an Intergovernmental Agreement on Biosecurity and National Environmental Biosecurity Response Agreement with the states and territories * the establishment of the Biosecurity Advisory Council to advise the Minister for Agriculture, Fisheries and Forestry on biosecurity issues * appointment of an Interim Inspector General of Biosecurity to provide independent audit and verification of biosecurity activities * further strengthening the import risk analysis process by the enhancement of the Eminent Scientist Group to include an economist * improving risk-based profiling and inspection processes at airports, mail centres and seaports to support the move away from the previous mandated intervention targets to more targeted inspections which focus on the highest risks * partnering strategically with the Australian Customs and Border Protection Service * amending legislation for imported food to enable formal recognition of importers’ food safety management systems through compliance agreements * implementing improved export certification arrangements * enhancing offshore risk mitigation measures through activities such as developing the Australian Fumigation Accreditation Scheme and capacity building activities * enhancing existing information and communication technology (ICT) systems to support operational activities * scoping work on a significant upgrade of ICT systems, and future arrangements for post-entry quarantine facilities * developing sector specific biosecurity training packages and programs to build domestic capability and capacity. * <http://www.daff.gov.au/bsg/biosecurity-reform>   *Mark King: Dept. of Agriculture, Fisheries and Forestry:*  *+61 2 6272 3155*  *Jane Parlett: Dept of Foreign Affairs and Trade/ Office of Trade Negotiations Branch: +61 2 6261 9451*  **Australian anti-dumping and countervailing system**  The total number of anti-dumping and countervailing measures in place as at 31 January 2012 was 27 (covering 9 products from 15 economies).  All of Australia’s anti-dumping and countervailing measures (27) now apply to a relatively narrow range of goods.  As at 31 January 2012, the chemical/plastics/rubber industry continues to account for a significant proportion of Australian measures (10 out of 27 or 37%). The food/beverage industry is also emerging as a sector with a similar proportion of measures (8 out of 27 or 30%).  This is consistent with international trends, with statistics from the WTO showing that the chemical products, plastics, timber, steel and rubber were the sectors most frequently affected by new investigations and new measures in January – June 2010.  Recent activity  There were 39 cases initiated in the period 1 July 2010 to 31 January 2012 consisting of:   * 25 new dumping investigations; * two new countervailing investigations; * six inquiries into whether anti-dumping measures should be continued for a further 5 years; and * six reviews of the level of existing anti-dumping measures.   http://www.customs.gov.au/  <http://www.pc.gov.au/> | Current significant work that will be the focus of reforms over the next 12 months includes:   * progressing new biosecurity legislation to replace the Quarantine Act 1908 and subordinate legislation. World Trade Organization members will be given the opportunity to comment on the draft legislation when it is released for public comment and subsequently notified to the Sanitary and Phytosanitary (SPS) Committee. * progressing risk-based intervention initiatives * continuing scoping work to improve information and communication technology (ICT) systems for progressive replacement of the current biosecurity systems; providing enhanced capability for risk-based management, improved access to information across various applications, and facilitating trade * progressing future post-entry quarantine arrangements * continuing to redevelop the import conditions database (ICON) to improve its usability and the quality and consistency of information * continuing to build a partnership approach with key biosecurity stakeholders.   Funding for further reforms will be considered through the normal Australian Government Budget processes. Trading partners will be kept informed of the progress of the reform program through regular briefings to trading partners and the WTO SPS Committee.  Further information is available on the DAFF website <http://www.daff.gov.au/bsg/biosecurity-reform>  The Productivity Commission published its Review of Australia's Anti-dumping and Countervailing System in December 2009. The Commission concluded that Australia should retain an anti-dumping system and recommended a number of amendments.  Following extensive consultation and consideration, the Australian Government announced a package of reforms to Australia's anti-dumping regime in June 2011, accepting (either in full or in part) 15 of the 20 recommendations of the Productivity Commission's report.  The reforms are designed to increase certainty and confidence for business. They include measures to improve timeliness and transparency for all parties to anti-dumping investigations and to better align Australia's laws and practices with other WTO Members.  Implementation of the reforms is still under way. The first tranche of legislation implementing the amendments took effect in October 2011. It includes the introduction of a time limit on the Minister's consideration of an investigation, which will result in earlier resolution of complaints.  An International Trade Remedies Forum has also been established to provide advice to the Government on the effectiveness of the reforms and options for further improvements to the anti-dumping system. The Forum's membership reflects the interests of exporters, importers, domestic producers and small and large businesses. |
| Contact point for further details: | Productivity Commission: +61 2 6240 3200  *Gareth Davies Aust. Customs Service: +61 2 6246 1357*  *Natasha Spisbah Dept. of Foreign Affairs and Trade/ Office of Trade Negotiations: +61 2 6261 3720* |  |
| Services  *Contact point for further details:* | **Review of the Student Visa Program 2011 (Knight Review)**  On 16 December 2010, the Government announced a strategic review of the student visa program.  The aim of the review was to enhance the continued competitiveness of the international education sector, as well as strengthening the integrity of the student visa program.  The review was undertaken by the Hon Michael Knight AO.  Mr Knight presented his report to the Australian Government on 1 July 2011.  The Government released its response on 22 September 2011 after engaging with state and territory governments. <http://www.deewr.gov.au/International/Pages/default.aspx>  *Michael Francis: Dept. of Industry, Innovation, Science, Research and Tertiary Education: +61 2 62405185*  **National Broadband Network**  The Australian Government established NBN Co Limited (NBN Co) in April 2009 to design, build and operate a new high-speed National Broadband Network (NBN).  The NBN will provide access to high‑speed broadband to 100 per cent of Australian premises. It will connect 93 per cent of homes, schools and businesses to a high‑speed fibre network capable of providing broadband speeds of up to one gigabit per second (Gbps). All remaining premises will be served by a combination of next‑generation fixed wireless and satellite technologies providing peak speeds of 12 megabits per second (Mbps).  Commercial fibre services are now available in eight Australian communities. The Interim Satellite Service was launched on 1 July 2011, offering eligible rural and remote end users access to improved satellite broadband services.  The NBN will be Australia’s first national, wholesale-only, open access broadband network offering equivalent terms and conditions to all access seekers or service providers. This is a significant structural change to Australia’s telecommunications industry, aimed at encouraging vibrant retail competition.  *www.nbn.gov.au; www.nbnco.com.au* | The measures being implemented by the Government include:   * The introduction of an upfront Genuine Temporary Entrant criterion * Streamlined visa processing arrangements from April 2012 that will treat all student visa applicants for study at bachelor or higher level courses at universities in Australia as low migration risk * A fundamental review of the Assessment Level framework for student visas by mid‑2012 * The introduction of a post-study work visa for all graduates of bachelor or higher level degrees * Establishing the Education Visa Consultative Committee as a primary means of regular two way communication between stakeholders in the international education sector and the Department of Immigration and Citizenship.   The NBN is being rolled out progressively over 9.5 years.  Planning and construction of the NBN is well underway. NBN Co expects to complete the rollout of high‑speed fixed wireless broadband to regional Australians by 2015, with the first services to be available from the middle of 2012. As part of its long term satellite service, NBN Co will deploy two Ka-band satellites to provide NBN access for those outside the fibre and wireless footprint. The long term satellite solution is scheduled to be available in 2015. |
| *Contact point for further details:* | *Glenda Fowler: Dept. of Broadband, Communications and the Digital Economy: +62 2 6271 1092* |  |
| Investment | A summary of Australia’s Foreign Investment Policy is available at <http://www.firb.gov.au/content/policy.asp?NavID=1>  Most recent figure for the stock of foreign direct investment in Australia is $526 billion as at 30 Sept 2011.  Further liberalisation of Australia’s foreign investment regime took place in 2009 - 10, including:   * Replacement of the lowest thresholds for private business investment and indexation of the new unified threshold on 1 January every year to keep pace with inflation and to prevent foreign investment screening from becoming more restrictive over time (Currently AUD231 million) * Abolition of the existing requirement that private investors notify the Government when establishing a new business in Australia valued above $10 million.   The Foreign Investment Review Board (FIRB) has published annual reports to the Australian Parliament (for the years 1996-2010 inclusive) which illustrate results of the screening process. A copy of the 2009-10 report is available at [www.firb.gov.au](http://www.firb.gov.au/). along with policy summaries and other relevant information for foreign investors seeking to invest in Australia. |  |
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| Standards and Conformance  *Contact point for further details:* | **Standards Development**  Australia’s standard setting bodies have adopted international standards as appropriate.  Standards Australia, Australia’s peak standards writing body has over the last four years implemented a policy whereby every Australian Standard, regardless of who develops it, must demonstrate positive net benefit to the community as a whole. It must provide a value or benefit that exceeds the costs likely to be imposed from its development and implementation.  Of the total catalogue of Australian Standards approximately 38% of these are identical or aligned to international standards.  Australia participates actively in international standardisation activities. Standards Australia is the secretariat for 21 ISO and IEC technical committees, and subcommittees. Standards Australia currently holds 341 ‘P’ memberships and 201 ‘O’ memberships on ISO and IEC technical committees and subcommittees.  **Conformity Assessment**  A recent routine Asia Pacific Laboratory Accreditation Cooperation (APLAC) Mutual Recognition Arrangement (MRA) re-evaluation (June 2011) reaffirmed National Association of Testing Authorities, Australia’s (NATA)’s signatory status in all areas. NATA is also a signatory to the global International Laboratory Accreditation Cooperation (ILAC) MRA for testing and calibration.  **Measurement**  The National Measurement Institute, Australia (NMIA), is Australia’s single peak metrology body and represents Australia at the highest level in international metrology.  NMIA also participates in the Mutual Acceptance Arrangement (MAA) in pattern approval of the International Organisation for Legal Metrology (OIML), whose implementation began in 2005.  Information regarding NMIA and its activities can be found at: [www.measurement.gov.au](http://www.measurement.gov.au/).  On 1 July 2010, NMIA took on responsibility for the national system of trade measurement.  <http://www.aplac.org> [www.nata.com.au](http://www.nata.com.au)  <http://www.apec-pac.org/>, <http://www.iaf.nu>  <http://www.iso.org/iso/resources/conformity_assessment/objectives_and_structure_of_casco.htm>, <http://www.standards.org.au>  *Shifra Joseph:Dept. of Industry, Innovation, Science, Reseach and Tertiary Education: +61 2 6276 1572* | Australia will continue to review its stock of standards, continuing to strive towards a greater level of alignment with international standards.  Standards Australia will continue to participate in international standardisation activities of relevance and use international standards as a first option in standards development activities.  As of September 2011 there are 33 signatories to the APLAC MRA from 26 economies.  NATA will continue to actively to promote the acceptance by regulators and other specifiers of accreditation and the voluntary sector of the APLAC and ILAC MRAs as a means of providing confidence in conformity assessment activities domestically, regionally and internationally.  To this end, two staff are available to assist any enquirers in terms of clarifying the practical aspects of the MRA, and liaising with our MRA partners as may be required. In addition, a revised version of an earlier similar NATA publication, now entitled “A Guide to using NATA Accreditation in Legislation, Regulation and Specification” is due for publication shortly and will be available from the NATA website [www.nata.com.au](http://www.nata.com.au) This publication provides guidance to specifiers, regulators and others, on the accreditation system, both nationally and internationally, and explains the practical use of the APLAC MRA.  NATA has applied to be an inaugural signatory to global ILAC/IAF MLMRA for inspection that is due to be signed in late 2012. NATA will continue to provide capacity building, training and other assistance, as requested, to similar organisations in the region. NATA will also continue to be an active contributor to the development of international standards related to conformity assessment activities. At this time, NATA staff have attended meetings and contributed to the work of the International Organisation for Standardisation (ISO) committees revising ISO/IEC 17020 (inspection) and ISO 15189 (medical testing). Revised versions of these standards are expected in 2012.  Joint Accreditation Scheme of Australia and New Zealand (JAS-ANZ) has been elected to Chair the Pacific Accreditation Cooperation Multilateral Recognition Arrangement Group. The Pacific Accreditation Cooperation (PAC) Meat and Livestock Australia (MLA) Group has responsibility for identifying regional trade opportunities that would benefit from a multilateral recognition arrangement. The PAC MLA Group has decided to develop MLA s to cover:   * ISO/TS 22003 for food safety management systems, (12 economies/members to join) * ISO 14065 for greenhouse gas validation and verification bodies; (7 economies/members to join) * ISO/IEC 27003 for Information security management systems and (6 economies/members to join) * ISO/IEC 17024 for certification of persons (5 economies/members to join)   These MLAs will directly support the reduction of technical barriers to trade and increased trade opportunities.  NMIA is currently delivering against its unified strategic plan (2008-2011) to address Australia’s on-going and future measurement requirements and has developed the next-stage strategic plan for 2012-2014.  As an outcome of the 2009 Federal Budget, NMIA received approx. $18m over four years under the *National Enabling Technologies Strategy* to expand Australia’s metrological capabilities in nano- and bio-metrology in support of Australian industry. Significant progress in both activities has been achieved as of December 2011.  Australia will look to strengthen coordination of food safety capacity building activities, particularly through providing strong support to the implementation of the FSCF Partnership Training Institute Network. Australia will continue to make progress towards the establishment of robust food safety systems and greater harmonisation to international standards across APEC member economies. |
| Customs Procedures | Australian Customs and Border Protection Service continue to undertake research and evaluation activities to improve the efficiency and effectiveness of border management processes and interactions with industry. Outcomes of this work were published in a number of reports, such as:   * Time Release Studies; and the * Customs Industry Engagement and Analysis Project.   These reports are all available on the Australian Customs and Border Protection Service website at [www.customs.gov.au](file:///\\titan\CHCH\GrpData\TED\APB\Common\Business,%20Trade%20and%20Economics\IAPs\IAP%202009\Australia%20Update\www.customs.gov.au) |  |
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| Intellectual Property Rights  *Contact point for further details:* | **The Intellectual Property Laws Amendment (Raising the Bar) Bill 2011**  This Bill was introduced into the Australian Parliament on 22 June 2011 and is scheduled for debate in early 2012.  The Bill addresses issues raised in a number of reviews of Australia’s IP system, suggestions from stakeholders, IP Australia and other government agencies, and elements of the Government’s innovation agenda ‘Powering Ideas’.  The reforms in the Bill have been the subject of three rounds of public consultation with over 180 submissions received. The Bill consists of six schedules:   * Schedule 1 - Raising the quality of granted patents * Schedule 2 - Free access to patented inventions for regulatory approvals and research * Schedule 3 - Reducing delays in resolution of patent and trade mark applications * Schedule 4 - Assisting the operation of IP professionals * Schedule 5 - Improving mechanisms for trade mark and copyright enforcement * Schedule 6 - Simplifying the IP system.   Information on the Bill and reform program can be found at: <http://www.ipaustralia.gov.au/about-us/what-we-do/ip-reforms/>  **Modernisation of IP Australia’s Customer Communications Channel – Integrated Customer Service Delivery Interface projects**  Since the last IAP update in 2009, IP Australia has continued with its major program of work to modernise IP Australia’s customer communication channels and standardise customer processing across different IP rights. Once completed, this work, known as the Integrated Customer Service Delivery (ICSD) program, will provide a broader range of electronic options for customers.  This program is planned to deliver a suite of online services to accommodate a variety of high-volume service request types across the four IP rights (trade marks, patents, designs and plant breeder’s rights). The development and implementation of a business-to-business (B2B) channel for high-volume customers commenced implementation with customers on 24 October 2011. B2B allows customers to conduct secure, high volume transactions with IP Australia electronically, and pay for them using a direct debit arrangement. Further releases through 2012–13 and forward years are planned to deliver an increased number of services. The next stage for B2B will allow renewals amendments.  IP Australia has also extended the search system for patents (AusPat) to encompass an eDossier so customers can view (publicly available) patent documents in a way that suits them.  Effective Enforcement of IP Rights  The Aust. Federal Police (AFP) will continue to coordinate IP crime investigation in Australia, including through the ongoing chairing of an IP Enforcement Consultative Group that comprises IP industry groups, State/Territory police and government agencies. The Attorney-General’s Department will continue to chair an Interdepartmental Committee on IP Enforcement to coordinate and develop policy options on IP enforcement issues for Government consideration.  *Constantine Nikolakopoulos: IP Aust.*  *+61 2 6283 3156* | **Australian Government response to the Senate Community Affairs Committee’s review of Gene Patents**  The Australian Government released its response to the Senate Community Affairs Committee’s review of Gene Patents on 23 November 2011 as part of a combined response to the Senate Committee’s report, the Australian Law Reform Commission’s 2004 report on *Genes and Ingenuity* and the Advisory Council on Intellectual Property’s 2011 report on Patentable Subject Matter. A number of the proposed changes relate to raising patent standards and introducing a statutory research exemption. These are already being implemented in the *Intellectual Property Law Amendment (Raising the Bar) Bill 2011*,  Other key changes accepted by the Australian Government are a rewording of the test for patentable subject matter, introduction of an objectives statement into the *Patents Act 1990* and a review of the existing compulsory licensing provisions. These recommendations are directed at improving the clarity of patents legislation and ensuring public access to essential patented technologies. Work on the implementation of these will commence in 2012.  Information about the Australian Government response can be found at:  <http://www.ipaustralia.gov.au/about-us/what-we-do/gene-patents-response/>  **Implementation of the Protocol amending the World Trade Organisation Agreement on Trade Related Aspects of Intellectual Property Rights** **(TRIPS Protocol)**  The Australian Government is currently drafting legislation to implement the TRIPS Protocol. Implementing the Protocol in Australia will allow the export of cheaper generic version of patented medicines to developing economies that are experiencing grave public health issues.  **Trans Tasman Single Economic Market (SEM)**  The Prime Ministers of Australia and New Zealand agreed in August 2009 to accelerate efforts towards trans-Tasman regulatory integration as part of a SEM agenda. IP is one of the areas identified in the outcomes framework. The IP outcomes are: a single trans-Tasman regulatory framework for patent attorneys; one single application and examination process for patents in both jurisdictions; one trans-Tasman trade mark regime; and a single plant variety right regime. The SEM IP outcomes will deliver consistency in patent examination across the Tasman, increased efficiencies in applying for IP rights and make it easier for users to access the IP system.  Further information is available at: <http://www.ipaustralia.gov.au/about-us/what-we-do/international-activity/single-economic-market/>  **Advisory Council on Intellectual Property (ACIP) reviews**  ACIP is currently undertaking two reviews:   * Review of the Innovation Patent System. The Australian Government requested that ACIP investigate the effectiveness of the innovation patent system in stimulating innovation by Australian small to medium business enterprises. * Collaborations between the Public and Private Sectors: The Role of Intellectual Property. The Australian Government requested that ACIP investigate how IP acts to enable or disable collaborations between Public Funded Research and private sector stakeholders. The investigation includes collecting evidence of collaboration models between the private and public sectors and experiences that the parties to such collaborations have, including how matters involving IP arise and impact on collaborations.   More information on these ACIP reviews can be found at: <http://www.acip.gov.au/> |
| Competition Policy  *Contact point for further details:* | **General Policy Framework**  The Council of Australian Government (COAG)’s National Partnership Agreement to Deliver a Seamless National Economy (the SNE NP) continues to deliver effective reform in eight priority areas of competition reform.  Examples of progress on competition reform and improved consistency across jurisdictions under the SNE NP are as follows:   * Legislation to give effect to the National Energy Customer Framework, a legislative package to regulate energy distribution and retail businesses, was assented to in South Australia, as the lead legislator, on 17 March 2011. * The Trade Practices Amendment (Infrastructure Access) Act 2010 received assent on 13 July 2010. The Act introduced a number of reforms to the National Access Regime, to give effect to certain provisions of the COAG’s Competition and Infrastructure Reform Agreement (CIRA), to achieve a simpler and more consistent national approach to the regulation of nationally significant infrastructure. * The Trade Practices Amendment Regulations 2010 (No. 2) (Commonwealth) commenced on 4 June 2010 giving effect to the competitive tendering principles for the supply of significant new services provided by certain government owned facilities. * COAG announced the Intergovernmental Agreement on Heavy Vehicle Regulatory Reform, to establish a National Heavy Vehicle Regulator, on 19 August 2011. * COAG also announced the Intergovernmental Agreement on Rail Safety Regulation and Investigation Reform to establish a National Rail Safety Regulator and expand the Australian Transport Safety Bureau’s role to cover national rail safety investigation. * In addition, COAG announced the Intergovernmental Agreement on Commercial Vessel Safety Reform for the establishment of a single national regulator for domestic vessel safety in Australia.   The Australian Government has directed further monitoring of the prices, costs and profits relating to the supply of unleaded petroleum products to be undertaken by the Australian Competition and Consumer Commission (ACCC). The ACCC released its most recent petrol monitoring report on 8 December 2011, which can be found at:  <http://www.accc.gov.au/content/index.phtml/itemId/1020827>.  From 2009 to 2011, the ACCC entered into a series of agreements with major supermarket operators to phase out restrictive provisions in supermarket leases. Restrictive provisions in leases prevent or hinder the entry of competing supermarkets in a shopping centre.  **Review of Competition Policies and/or Laws**  **Competition and Consumer Act 2010 (CCA)**  As part of amendments to the then Trade Practices Act 1974 to introduce a national consumer law, the Act was renamed the Competition and Consumer Act 2010 (CCA). The new name for the Act took effect from 1 January 2011.  In 2011, the Parliament passed laws that amend the CCA to prohibit anti-competitive price signaling and information disclosures. In particular, the new laws include two new prohibitions which:   * prohibit outright (or per se) the use of private disclosures of pricing information; and * prohibit the disclosure of pricing and other information if the disclosure is made for the purpose of substantially lessening competition.   The new prohibitions will only apply to classes of goods and services that are prescribed by regulations and their application will be limited to the banking sector in the first instance.  The new laws will take effect as of 6 June 2012.  In 2011, the Parliament has also passed laws that amend the CCA to clarify the operation of Australia’s mergers and acquisitions provisions (Section 50 of the CCA) in relation to small scale acquisitions (referred to as ‘creeping acquisitions’).  These amendments will take effect as of 6 February 2012.  For a copy of the Bill as passed by the Parliament, the Second Reading Speech and the Explanatory Memorandum see: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr4600%22>  *Tina Smith: The Treasury: +61 2 6263 2807* |  |
| Government Procurement | In 2011, the Australian Government moved away from paper-based procurement policy guidance and published its guidance materials on the internet to improve transparency and accessibility. Procurement information and guidance is available on the internet - [*http://www.finance.gov.au/procurement/procurement-policy-and-guidance/index.asp*](http://www.finance.gov.au/procurement/procurement-policy-and-guidance/index.asp)  **Wheat Export Arrangements**  The *Wheat Export Marketing Act 2008* (the Act) and the *Wheat Export Marketing (Repeal and Consequential Amendments) Act 2008* came into effect on 1 July 2008, ending Australia’s long-standing single desk regime for wheat exports.  Wheat Exports Australia (WEA), established to provide accreditation to companies that meet stringent ‘probity and performance’ requirements, manages the wheat export accreditation system.   * Accreditation allows a company to export wheat in bulk from Australia provided it continues to meet appropriate standards of propriety and financial capability; and * Foreign companies are able to apply for accreditation provided it is through an Australian subsidiary and hence subject to Australian law.   Port terminal service owners and operators that are also bulk wheat exporters are also required to satisfy the ‘access test’ as a condition of their accreditation. To satisfy the access test, which is designed to provide other exporters with access to port terminal facilities on fair and reasonable terms, they must have an access undertaking approved by the Australian Competition and Consumer Commission (ACCC) and comply with continuous disclosure rules.  The Act required the Productivity Commission (the Commission) to conduct a review of these arrangements. Its report recommended further deregulation by abolishing the accreditation scheme, WEA and the wheat export charge which funds WEA’s operations on 30 September 2011. The Commission also recommended the access test be abolished on 30 September 2014.  The Australian Government announced its response on 23 September 2011. While it agrees in-principle with the Commission’s recommendations, it will implement the changes under a staged process to continue the transition towards full deregulation.   * The first stage was the introduction of a ‘lighter–touch’ accreditation scheme that will operate under the existing legislation until 30 September 2012. * The second stage will be the abolition of the accreditation scheme and the wheat export charge on 30 September 2012, with WEA to be wound up by 31 December 2012. The requirement for port terminal service owners and operators that also export bulk wheat to satisfy the access test will continue until 30 September 2014. Its removal on that date will be subject to the wheat industry having in place a non-prescribed voluntary code of conduct covering grain export terminals. * The final stage will be full market deregulation from 1 October 2014. From this date, access issues will be governed by general competition law administered by the ACCC under the Competition and Consumer Act 2010, complemented by the voluntary code of conduct.   The Australian Government will introduce legislation to implement the new arrangements into Parliament in the Autumn 2012 sittings with a view to it being in place by 1 October 2012, the commencement of the 2012-13 wheat marketing year.  [*http://www.finance.gov.au/procurement/index.html*](http://www.finance.gov.au/procurement/index.html)  [*http://www.finance.gov.au/procurement/contact-us.html*](http://www.finance.gov.au/procurement/contact-us.html) | The Commonwealth Procurement Guidelines (CPGs) are currently being reviewed in order to:   * further improve useability and readability; * enhance clarity in procurement obligations and better practice; and * clarify the scope of the CPGs.   Revised CPGs are expected to be published mid-2012. |
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| Deregulation/Regulatory Review | **General Policy Position, including implementation of APEC Leaders’ Transparency Standards on Regulatory Reform**  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.  The Australian Government is working with the states and territories to reduce the regulatory burden on business in areas of shared responsibility. Through the Council of Australian Governments (COAG) *National Partnership Agreement to Deliver a Seamless National Economy* (SNENP) (signed in February 2009) the Australian Government is working with states and territories to tackle inefficient and costly regulation through the implementation of 27 deregulation priorities, eight areas of competition reform and improving regulatory processes.  COAG’s Business Regulation and Competition Working Group (BRCWG) is responsible for monitoring progress of the reforms against the SNE NP Implementation Plan.  The Government has made significant progress in delivering the 27 deregulation priority reforms of the SNE NP. The COAG Reform Council Report on Progress 2010-11, released in early February 2012, assessed 15 of the 27 reforms as complete.  The bulk of the remaining reforms are well advanced towards completion prior to the end of the NP in December 2012.  In December 2011 the Productivity Commission released a discussion draft of its study on the Impacts and Benefits of COAG reforms. The draft notes that full implementation of the 17 SNE reforms examined by the Productivity Commission could lower business costs by about $4 billion per year and improvements to productivity could increase GDP by about 0.4% (or over $6 billion), in the longer run.  **Better Regulation Partnerships**  Better Regulation Ministerial Partnerships between the Minister for Finance and Deregulation and other portfolio Ministers aim to eliminate unnecessary regulatory burden. As a result of Partnerships already completed:   * the length of disclosure documents for financial products such as superannuation has been reduced to just a few pages making them more readable for consumers and less costly for business to produce; * legislation will be introduced to simplify the system of tariff concessions for importers, brokers and manufacturers by removing unnecessary complexity and obsolete provisions; * the assessment process for new medical devices and procedures has been changed so patients can access new health technologies sooner; * the transfer of responsibility for the administration of all excise‑equivalent goods to the Australian Taxation Office has cut red-tape and reduced compliance costs by delivering a single administrator for businesses to deal with; and * legislation will be introduced to increase the efficiency and effectiveness of Commonwealth Government regulation of imported and domestically produced agricultural and veterinary (agvet) chemicals, which will mean clear and more efficient registration of chemicals.   The Australian Government has also undertaken two major exercises to review the stock of regulation and identify areas where improvements can be made, redundant regulation removed and costs to business and consumers reduced.   * The 2008 Stocktake of Commonwealth regulation has led to the removal of over 200 redundant regulations. * The pre-2008 review has identified around 4,000 legislative instruments that are redundant or potentially redundant.   **OECD Review**  The Organisation for Economic Co-operation and Development (OECD) was invited to conduct a review of Australian regulation, to examine Australian regulatory management frameworks and processes by reference to best practice in OECD member economies. The report on findings was released on 15 February 2010.  The report found that the resilience of the Australian economy in the face of the Global Financial Crisis can in part be attributed to Australia’s current and past regulatory reforms. The report also found that Australia has built strong governance foundations for the development of good regulatory management and competition policies, which are likely to be conducive to economic growth.  **Identification and Review of Proposed Regulations**  The Australian Government released a revised *Best Practice Regulation Handbook* in June 2010. The Handbook outlines the Australian Government’s strengthened regulation making processes, including a number of changes to the Regulation Impact Statement (RIS) requirements aimed at better balancing the rigour and practicality of the RIS process.  The Australian Government has also cemented the gate keeping role of the Office of Best Practice Regulation (OBPR), which administers the Government’s best practice regulation requirements. The Minister outlined this in her statement to Parliament on 28 October 2010.  The OBPR has responsibility for assessing, monitoring and reporting on compliance by departments and agencies with best practice regulation requirements, including assessing regulation impact statements. The OBPR publishes the Best Practice Regulation Report around November each year which details compliance with best practice regulation requirements on an agency basis. The OBPR also maintains a website on which it publishes RISs, instances of non-compliance and exemptions from the RIS requirements.  **Identification and Review of Existing Regulations**  The Productivity Commission examines, 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 are examined over the cycle.  <http://www.finance.gov.au/deregulation/index.html> | In February 2011, COAG tasked the BRCWG with developing proposals for a future national regulatory reform agenda. Progress to date has been informed by extensive stakeholder consultation and the BRCWG also established a Taskforce to undertake further analysis of potential reform options. COAG is expected to consider a progress report on these proposals in early 2012.  On 13 December 2011, the Government announced an independent review of the Australian Government best practice regulation requirements.  This review will enable an assessment of the effectiveness of new elements of the best practice regulation requirements introduced in 2010. The review will report to the Minister for Finance and Deregulation by 20 April 2012. |
| Contact point for further details: | Rochelle Hill: Dept. of Finance and Deregulation:  +61 2 6215 2630  *Adrian Chippindale: Dept. of Finance* and Deregulation*:*  *+61 2 6215 2222* |  |
| Implementation of WTO Obligations/ROOs | No further update |  |
| Contact point for further details: | Francis Corbitt: Dept of Foreign Affairs and Trade: APEC Branch: +61 2 6261 3004 |  |
| Dispute Mediation  ***Contact point for further details:*** | Australia seeks to resolve disputes with other Governments in a cooperative, non-confrontational manner having regard to International Law.  In respect of investment, Australia provides investors with the option of referring disputes to the International Centre for Settlement of Investment Disputes and provides for foreign awards to be enforced. Australia is a party to both the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958, New York) (the New York Convention) and the International Convention on the Settlement of Investment Disputes (1965, Washington) (the ICSID Convention). Both these Conventions are implemented in the International Arbitration Act 1974.  For the text of the New York Convention, see  <http://www.austlii.edu.au/au/other/dfat/treaties/1975/25.html>  For the text of the ICSID Convention, see  <http://www.worldbank.org/icsid/basicdoc/9.htm>.  In respect of trade, Australia makes use of WTO dispute settlement procedures where appropriate.  Current WTO disputes involving Australia as respondent are:  Certain Measures Affecting the Importation of Fresh Fruit and Vegetables (DS270);  Certain Measures Affecting the Importation of Fresh Pineapple Fruit (DS271).  Australia is currently participating as a third party in the following WTO disputes:   * China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products (DS363) * China – Grants, Loans and Other Incentives (DS387 and DS388) * European Communities - Measures Concerning Meat and Meat Products (Hormones): Recourse to Article 21.5 by the European Communities (DS26 and DS48) * European Communities – Certain Measures Affecting Poultry Meat and Poultry Meat Products from the United States (DS389) * United States – Measures Affecting Trade in Large Civil Aircraft (Second Complaint) (DS353) * United States – Domestic Support and Export Credit Guarantees for Agricultural Products (DS357 and DS365) * China – Certain Measures Affecting Electronic Payment Services (DS413) * Philippines — Taxes on Distilled Spirits (DS396/DS403) * European Union — Anti-Dumping Measures on Certain Footwear from China (DS405) * Canada – Certain Measures Affecting the Renewable Energy Generation Sector (DS412)   www.dfat.gov.au/trade/negotiations/index.html  Adrian Chippindale: Dept. of Finance and Deregulation:  *+61 2 6215 2222* | Additional information on these disputes and recently concluded disputes are available from the website of the Australian Department of Foreign Affairs and Trade at [www.dfat.gov.au/trade/negotiations/disputes/index.html](file:///\\titan\CHCH\GrpData\TED\APB\Common\Business,%20Trade%20and%20Economics\IAPs\IAP%202009\Australia%20Update\www.dfat.gov.au\trade\negotiations\disputes\index.html) |
| Mobility of Business People | Australia maintained its entries in the online APEC Business Travel Handbook and on its official economy immigration website, to ensure clear and comprehensive information is available to the APEC business community, including on:   * the permissible business activities of short-term business visitors * the employment rights of temporary business residents and their spouses and dependents * the place and method of visa lodgement, visa validity period and maximum period of stay.   Australia also coordinated the updating of members’ information on economies’ temporary business entry arrangements, APEC Business Travel Card (ABTC) airport lane arrangements, and related ABTC period of stay permitted and average application processing times.  **Short stay business visitor visas**  Australia has five short stay business visitor visas. These are the Business (Short Stay) (subclass 456) visa, Sponsored Business Visitor (Short Stay) (subclass 459) visa, eVisitor (Business Stream) (subclass 651) visa, Electronic Travel Authorities (Business Entrant—Long Validity) (subclass 956) and Electronic Travel Authorities (Business Entrant – Short Validity) (subclass 977). These visas support Australian businesses, as they enable business people to visit Australia for business activities such as negotiations, signing of contracts, inter-company business activities, exploring investment opportunities and conferences. There have been no major changes to these visas since 2009.  **Working Holiday Maker Visas**  These visas provide young adults from partner economies, aged 18 to 30, with the opportunity to experience an extended holiday in Australia during which they can engage in short-term work or study.  For improvements made since 2009 IAP Update, see: <http://www.immi.gov.au/visitors/working-holiday/whats-new.htm>  **Pacific Seasonal Worker Scheme**  This scheme is part of the department's Special Program and requires Approved Employers to invite people from the eligible Pacific economies to participate as Pacific seasonal workers.  For improvements made since 2009 IAP Update, see:  <http://www.immi.gov.au/skilled/pacific-seasonal-worker/whats-new.htm>  **Temporary Skilled Migration**  The temporary business (long stay)(subclass 457) visa allows Australian and overseas businesses to sponsor skilled overseas workers in a range of eligible occupations.  For improvements made since 2009 IAP Update, see:  <http://www.immi.gov.au/skilled/whats-new-esw.htm>  **General Skilled Migration**  The General Skilled Migration Program (GSM) is for professionals and other skilled migrants who are not sponsored by an employer and who have skills in particular occupations required in Australia.  For improvements made since 2009 IAP Update, see:  <http://www.immi.gov.au/skilled/general-skilled-migration/whats-new.htm>  **Employer Sponsored Workers**  The Employer Nomination Scheme (ENS) enables employers to sponsor highly skilled workers to fill skilled vacancies in their business. Skilled workers can be recruited either from overseas, or from people temporarily in Australia. Employers must be lawfully operating in Australia, and the position must provide full time employment in Australia for at least three years and meet the Minimum Salary Level.  For improvements made since 2009 IAP Update, see:  <http://www.immi.gov.au/skilled/whats-new-esw.htm#12sept>  **The Regional Sponsored Migration Scheme**  The Regional Sponsored Migration Scheme (RSMS) enables employers in regional and low population growth areas of Australia to sponsor highly skilled workers either from overseas, or from people temporarily in Australia to fill skilled vacancies in their business. Employers must be lawfully operating in Australia, and the position must provide full time employment in Australia for two years. Conditions of employment and wages must comply with Australian legislation and awards.  For improvements made since 2009 IAP Update, see  <http://www.immi.gov.au/skilled/whats-new-esw.htm#12sept> | Australia will continue to assist member economies to update their information on temporary business entry arrangements in the Business Mobility Group (BMG) website.  On behalf of the BMG, Australia is reviewing and updating all general information contained in the BMG website about the BMG, the APEC Business Travel Card (ABTC) scheme, work plan activities and current and future projects.      A new template labour agreement to help the tourism and hospitality sectors attract skilled workers from overseas, see: <http://www.minister.immi.gov.au/media/cb/2012/cb182063.htm>  A new accreditation scheme for 457 visas where businesses using the 457 visa program will be able to seek accreditation that qualifies them for sponsorship approval of six years rather than the current three, as well as ensuring faster processing times for all future subclass 457 nominations and visa applications, see: <http://www.minister.immi.gov.au/media/cb/2011/cb179959.htm>  Consultations will continue throughout 2012 to ensure that the Australian business community is involved in the process of revising arrangements for assessing eligibility for the ABTC. |
| *Contact point for further details:* | *Kathryn Wilkin: Dept. of Immigration and Citizenship:*  *+61 2 6198 7382* |  |
| Official websites that gather economies’ information | The Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES) has produced the following publication on agricultural trade reform issues of relevance to APEC member economies. Further details on all papers described below can be found at: www.daff.gov.au/abares/publications  Hogan, L. and Morris, P. 2010, Agricultural and food policy choices in Australia, ABARE–BRS Conference Paper 10.15, 22–27 October, Brussels.  <http://www.daff.gov.au/abares> | ABARES will continue to conduct research and analysis of key issues affecting world markets for major agricultural and resource commodities. ABARES will collect and publish statistical information relating to Australian and world commodity production and trade. |
| Contact point for further details: | *Contact: Mark King: Dept. of Agriculture Fisheries and Forestry: +61 2 6272 3155* |  |
| Transparency | The Australian Government places a high priority on transparency. Our Economy ensures that laws, regulations, and progressively, procedures and administrative rulings are promptly published or otherwise made available, for example via the Internet, in such a manner as to enable interested persons and other Economies to become acquainted with them, as per the **Osaka Action Agenda**.  <http://www.apec.org/Groups/~/media/Files/Groups/CTI/02_esc_oaaupdate.ashx>  <http://www.apec.org/About-Us/About-APEC/~/~/media/82EA6E5D499140A5B5E0040B7B2CD1B1.ashx>  The website below allows interested persons and economies free access to such material. It is the entry point for Federal, State and Territory government websites:  <http://australia.gov.au/>  **Business Mobility**  Australia implemented transparency standards relating to Business Mobility as far as relevant legislation allows.  This includes regular review and updating to Australia’s official immigration website ([www.immi.gov.au](http://www.immi.gov.au)) to ensure comprehensive, clear and accurate information is available to its clients on visa programs and related services.  Australia continued to co-ordinate the upload of updated, improved information from member economies on visa requirements, online application facilities and requirements, any new immigration clearance arrangements including biometrics, airport access for ABTC card holders and processing times for card applications through the Business Mobility website: [www.businessmobility.org](http://www.businessmobility.org) | Australia will continue to provide updates to the business mobility website on changes to visas, visa arrangements, and card processing information. |
| Contact point for further details: | Kathryn Wilkin: Dept. of Immigration and Citizenship:  +61 2 6198 7382  *Francis Corbitt: Dept of Foreign Affairs and Trade: APEC Branch: +61 2 6261 3004* |  |

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| ***RTAs/FTAs*** | | |
| ***Description of current agreements*** | ***New Agreements***  AANZFTA is now in force for all 12 countries that signed the Agreement: Australia, Brunei Darussalam, Burma, Cambodia, Indonesia, Laos, Malaysia, New Zealand, Philippines, Singapore, Thailand and Vietnam.  The agreement entered into force on 1 January 2010 for eight signatories: Australia, New Zealand, Brunei, Burma, Malaysia, the Philippines, Singapore and Vietnam.  The agreement entered into force for Thailand on 12 March 2010, for Laos on 1 January 2011, and for Cambodia on 4 January 2011.  The agreement entered into force for Indonesia on 10 January 2012.  ***Improvements to existing Agreements***  **ANZCERTA**  In late 2008, Australian and New Zealand officials commenced a review of the rules of origin and completed this in March 2010 resulting in an agreement to amend the text of ANZCERTA Article 3 (Rules of Origin) and the related Product Specific Rules (PSRs) in Annex G. The new PSRs are contained in the *Customs (New Zealand Rules of Origin) Amendment Regulations 2011* and can be viewed via the following link – <http://www.comlaw.gov.au/details/f2011l01593>  These changes took effect from 1 September 2011. |
| ***Agreements under negotiation***  ***Contact point for further details:*** | Australia is negotiating bilateral free trade agreements with Japan, Korea, China, Malaysia, Indonesia and India. Australia is also participating in the Trans-Pacific Partnership negotiations with Brunei Darussalam, Chile, Malaysia, New Zealand, Singapore, Peru, United States and Vietnam. Australia commenced negotiations in 2007 with the Gulf Cooperation Council (comprising Bahrain, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates) and in 2009 with Pacific Island Forum countries (Cook Islands, Federated States of Micronesia, Kiribati, Nauru, New Zealand, Niue, Palau, Papua New Guinea, Republic of Marshall Islands, Samoa, Solomon Islands, Tonga, Tuvalu and Vanuatu).  Further information about these negotiations is set out on the website of the Department of Foreign Affairs and Trade (www.dfat.gov.au).  *Susannah Jefferys: Dept. of Foreign Affairs and Trade/ Office of Trade Negotiations: +61 2 6261 9239* |