

Non - Conforming Building Products Senate Inquiry.

Submission by Graeme Doreian

Jan 18, 2017

Introduction

I am submitting this submission in response to the reopen of the Senate Inquire Non - Conforming Building Products and associated issues.

As there is a new panel of Senators residing on the continuation of the Non - Conforming Building Products Senate Inquiry I would welcome you all and thank the previous Senators that resided on the earlier Inquiry.

In saying this I was disappointed that when the Senate Inquiry was convened in Melbourne only a few panel Senators attended. I believe Senator John Madigan non panel member contributed significantly to "dig deep" to reveal the truth. Thankyou John.

I say this as I trust the new members of the panel will be able to attend the hearings so as any recommendations become beneficial to the Nation, because the "fabric of the Australian way of life" is under threat from within and more so externally.

Why is this Senate Inquiry happening

Because our economy and way of life is under threat from a foreign invader, China, aided and abetted by our politicians and public servant "of the day".

Our political system Is exposing Australians to:

- death or injury and stressing the medical system
- pay the legal system to seek compensation from the use of non- compliant building products
- economical stress by having to pay to rectify for the use of non- compliant building products.
- Increasing company profits
- Below is a major concern that the legal and building system are "bleeding" innocent people.

Combustible cladding to be stripped off Lacrosse Docklands tower

January 17 2017 - 2:20PM Aisha Dow

<http://www.smh.com.au/victoria/combustible-cladding-to-be-stripped-off-lacrosse-docklands-tower-20170116-gtslcj.html>

On Monday, the Building Appeals Board ordered the owners to remove the material.

"The risk posed by the current cladding is so serious that it is necessary to have a building order which requires the owners to remedy the situation," the board found.

The decision means the 470 owners of the Lacrosse apartments could be left with an \$8.6 million cladding replacement bill, on top of \$6.5 million already spent to fix damage from a fire that tore up the 21-storey building in November 2014.

While Melbourne City Council's building surveyor has insisted that the Lacrosse building is safe to occupy, it remains on the condition that interim safety measures such as keeping balconies clear of clutter and preventing overcrowding are in place.

MY COMMENT

The original owners and subsequent owner are innocent they relied on the builder to build a compliant building

The Melbourne City Council's building surveyor had to approve and inspect the construction of the building to comply with Standards, and if not issue a notice to the builder to comply, that is what Building Surveyor are paid for.

Then to add insult to injury the interim safety measures What a joke.

Should another building surveyor be implicated they too are responsible

I will simplify the occupation overcrowding issue

When a building is designed in this case with say all two bedroom apartments.

An assumption of occupation must be made to provide services for the occupants

What is a fair and reasonable maximum number of residents per unit.

One bedroom 2 people Second Bedroom 4 people, i.e. two double bunks.

Should the owners modify with say partitions in sections of the apartment to accommodate more people this must be considered as illegally changing usage of apartment under the planning permit, in defiance of the original approved unit plan.

Therefore, the unit owner is responsible, whether tenant did the works or not.

To check this issue the 24 hour surveillance cameras in hallways would discover the bringing in of material, and the appropriate persons prosecuted.

Should 24 hour surveillance cameras not be available or clear pictures.

The Tax Department can have a warrant to enter the premises for implied tax evasion by the owner OR the tenant, then it can be established overcrowding very quickly.

Why Taxation Department?

Because with a warrant they can enter a premises ANYTIME WITH OUT NOTICE.

Under the Tenancy Act, there are various periods of time leading up to the premises being entered, and this gives time to remove any illegal building works.

Ramifications the ordinary Australians way of life is completely destroyed.

Remember the politicians that created this situation still get their pensions, while most Australians, the people who pay the politicians, in most cases are left financially stressed, and the life they planned severely compromised.

What is the real issue for this Inquiry?

Will the Australian Government take on China, regarding trade issues?

NO WAY, BUT IT MUST

SIMPLY What hope is there of a meaningful resolution to the China Trade Agreement restriction issue of disputes, i.e. **Non - Conforming Building Products**, unless the Senate chamber, the “house of review, ”a type of “policeman” of the Parliamentary process, exercise solidarity within the independents in the Senate to vote as one to force the Federal Coalition Government to address the real issues.

All the “fanfare of politicking,” of inquiries, even a Royal Commission will be a waste of time, and further money this country can’t afford, unless the basics in the Trade Agreement for disputes are addressed first, then how to protect our borders.

The REAL hidden issues of the Chinese Australia Trade Agreement.

How can there be truthful outcomes to trade disputes?

At the end of the day who pays to rectify the non- compliant products, the Australian public?

One example discussed briefly above.

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<http://www.smh.com.au/victoria/combustible-cladding-to-be-stripped-off-lacrosse-docklands-tower-20170116-gtslcj.html>

The truth any political party will not want to hear that will address the problem

The media will not want to expose the REAL truth, because their pet bureaucrat or politician will not communicate with them, thus their media job are “strained.” No more “scoops.”

Unless this **Non - Conforming Building Products Senate Inquiry** agrees to address these issues first, then cancel the Inquiry because NOTHING WILL CHANGE.

How to protect Australia from the Chinese inferior products

I address panel member Nick Xenophon, you pushed to re-open the Senate Inquiry Non-Conforming Products because of your infuriation regarding the asbestos issue at Port Pirie smelter and other cases which is well founded I believe.

Truthfully you are for South Australia, and rightly so, except you have influence to help others, this country, its people.

I believe you want to make a difference, for South Australia your home, your roots,

What about Australia your State is part of ?

Nick you always say, “provide me with a solution for the issue.” Below is my solution

If the Federal Government allow any products into Australia from overseas:

- Make compliance so expensive (which is the RIGHT AND DUTY of the Government), that it’s not worth importing products for increased company profits, which the Australian manufacturers of the majority of products cannot produce for the same cost, BUT the quality is there and Standards are policed??? on our own “land.”
- Acknowledged terms of trade worldwide is. Importers pay money for imported goods UPFRONT on ordering usually to the overseas manufacturers.
- I believe most European and American companies have their representatives present during manufacturing in Chinese factories , which can still “leave room” for mischief.
- Australia must further streamline this process by.
 - Australian importers pay money for imported goods UPFRONT to an Australian Government holding account, on behalf of the manufacturer for designated stages of manufacture of products in China or elsewhere.

- Before the product leaves the manufacturers factory to the wharf for loading, random inspections of all goods products from every container to confirm what's been manufactured conforms to Australian Standards.
- On arrival in Australia, random inspections and all appropriate paperwork of all goods/products from every container before leaving port or air terminal for delivery must be approved in Australia.
- When the goods from an Australian Port or Air terminal are *released* the importer the funds held by the Australian Government are transferred to the manufacturer.

Importers will “squeal,” even pressure the Chinese Government

- Costs to import goods from China affecting their bottom line. Good, then manufacture in Australia.
- Chinese Government will state measures breach the historic Robb Trade Agreement.

Everyone concerned will raise “merry hell” put on a show, THEN business as usual.

The measures I have suggested in no way breach the Trade Agreement.

I have undisputable evidence of collusion from a suffering colleague who I hope has the capacity to submit a submission, if not I am here alerting this Senate Inquiry, and will provide evidence when required.

The issue is between Chinese and Australian importers which engulfs a very well recognised large retail hardware company Bunnings, with fraudulent compliance certificates for Chinese products they retail, imported into Australia, failure to pay compliance license fees to the Federal Government, who by the way have not pursued payment, and I believe the payment is in the range of one million dollars, and the ACCC will do nothing to investigate the case. WHY?

Will the **Non - Conforming Building Products Senate Inquiry** expose this OR look the other way as this the largest Australian hardware retailer Bunnings, employs so many people, YOU KNOW, JOBS.

Just let Non - Conforming Building Products cause deaths from be the sacrificial lambs to the slaughter for the good of Australia.

Perhaps there are pressures on Chinese manufacturers, they have to cut corners too, OR deliberately not manufacture products specified in an order, IF THEY ARE SPECIFIED to be manufactured to Australian Standards.

Why is this Senate Inquiry happening

ANOLOGY

I believe China is like a “fisherman,” bait the hook ,throw in the burley, bring the fish to the fisherman who hooks this fish, then eats the fish no matter what size, because the fisherman needs to feed his family and sell his catch.

Trade with China is like this analogy I believe.

- Providing cheap labour
- Large potential market for foreigners to sell their products to the Chinese market.
- Some foreign companies gear up to supply Chinese market from their country.
- Chinese manufacturing and sales market controlled by Chinese Government.
- Chinese population lifestyle becoming more “westernised” as people get employed to manufacture foreign goods, then the Chinese population have more money to spend, want better cleaner products to eat.
- Solution, stop the foreigners profiting from Chinese population,
 - let foreigners import,
 - control the Chinese market because the country is so big,
 - then in many ways restrict sales of foreign products, stress foreign company then buy it.
 - OR buy Australian companies and land and send products and profits to China.
 - To add insult to injury, even send Chinese workers to that foreign country, and completely side step their labour criteria, because the foreign country has virtually little manufacturing.
 - When small foreign companies are distressed the Chinese buy them, because Government can’t help them, because like the Australian economy it’s depressed. Wonder why?
 -
- NOW THE CRUNCH. Because countries like Australia rely on goods mostly from China, we receive inferior quality products, and we accept this because they are cheap, even though they place our citizens in harm’s way, especially financially, in the case for building.
- People like Australians have to fix a Chinese generated problem because of Governments who don’t care, don’t want to upset China, while the Chinese slowly buy Australia, and ship our food and premium products mainly back to China.

I remind the Senators of our marvellous politicians who sold out hard working Australians I believe.

The Western Australia Ord River Stage One pioneered by Australians.

- Stage Two, Australian Government spends 260 million dollars on infrastructure and tenders for tenants;
- Established Australian companies from Stage One wanted to expand into Stage Two and tendered for appropriate sections of Stage Two they required.
-
- Guess who won the tender for the whole of Stage Two with a 260 million dollar bid for Stage Two, the Chinese.
- Basically, the Australian Government gave away for free improved quality farmland.
- Guess how they get their goods to China, they built an airport on Stage Two land and fly their goods direct.

- How's that for Australian companies, sold down the river,
- You should all hang your heads in shame. WHAT DO THE SENATORS THINK NOW.

HISTORY OF INTERNATIONAL TRADE FROM AUSTRALIA

AS I recall

- The worlds large companies always went to countries with cheap labour to increase their bottom line for the shareholders, and executive salaries, meanwhile the local people they employed were a throw away item.
- I can remember the new frontier for Australian businesses, foreign markets, which small Australian companies tried to enter these markets with limited success. Australian Federal Government solution, help these companies.
- Send trade delegations with some politicians, increased politicians so called "caring and sharing image." Eventually Austrade was formed with limited success, and had mismanagement issues etc.
- Countries like China were increasing becoming the main manufacturing hub for the world, cheap labour, increased world company profits, cheaper products to the consumer, more turnover. Chinas lifestyle has been changing upwards,
- However, the Chinese Government could see in the future capitalism, taking over communism.
- To combat this I believe, the Chinese more for Australia "engineer" their markets at home, then takeover stressed Australian companies who attempted to market products in China, OR buy up Australian land to export mainly produce back to China.

DEALING WITH CHINA

REMEMBER THE 2008 MELAMINE MILK SCANDAL IN CHINA. Action which was instigated I believe by new growing "middle class" of China.

Internally the Chinese have problems, most are hushed up I would say.

I use the trade example from New Zealand, as this sums up the Chinese market, and how they handle foreign companies, and I bet this happens to Australia as well.

BELOW:

Fonterra blindsided as nineteen arrested in China over milk powder scam 

<http://www.stuff.co.nz/business/farming/85683229/nineteen-arrested-in-china-over-milk-powder>

THOMAS MANCH AND AAP Last updated 20:13, October 25 2016

In 2008, six babies died and 300,000 were affected by melamine-contaminated baby milk powder produced in China, prompting many Chinese citizens to begin turning to foreign milk products.

Fonterra milk products were pulled off shelves in 2013 when it emerged they were potentially contaminated with botulism.

Testing showed the risk of botulism never existed and none of the products were contaminated, but the false alarm prompted a review of New Zealand's food safety system.

Wilson said Fonterra was not directly involved in this case - the issues related to alleged criminal activity much further along the supply chain - and the company was alerted to the issue by Chinese media reports.

Wilson said that, to Fonterra's knowledge, the milk powder was not being resold with Fonterra packaging.

It was not aware of anyone falling ill as a result of consuming the expired milk powder, she said.

Milk powder scam raises questions about Fonterra, expert says

HAMISH MCNICOL Last updated 17:33, October 25 2016

<http://www.stuff.co.nz/business/85696749/milk-powder-scam-raises-questions-about-fonterra-expert-says>

He said Chinese consumers were increasingly sensitive to food safety and quality and there was a high chance of bad news like this going viral on social media.

"The potential damage here can be substantial as it might also entice the Chinese authorities to impose restrictions.

Reports said one of the suspects allegedly sold the expired products to another company, which in turn resold almost 200 tonnes to distributors who sold them online or in wholesale.

The authorities have seized 100 tonnes of these products and have shut down the websites selling them.

Fonterra bill payment extension criticism grows

ELLEN READ Last updated 15:38, March 16 2016

<http://www.stuff.co.nz/business/farming/77556310/fonterra-bill-payment-extension-criticism-grows>

"The problem we have is that from the time we produce, store, ship and sell products, it could be six months before we are paid," Fonterra chief financial officer Lukas Paravicini said on Wednesday.

OBSERVATIONS TO ABOVE MEDIA RELEASES

The company above experiencing marketing in China, demonstrates the peril in trading with them. Luckily the New Zealand Government appear to be supporting them.

The fact that the media alerted the problem in China does not “fair” well for Chinas internal enforcement authorities which is well known to be questionable.

I believe as demonstrated with the New Zealand problems, Australian companies are faced with the same problems and at times Governments “prop up” companies. However, Australian Governments are so financially stressed most of the time, foreigners buy Australian companies because the “battle” has worn them down, or just take the money and retire, it’s too hard.

Why are they stressed, bad management, stealing by people working in the company, attempting to “break” into new frontier markets such as China, with the potential of increased sales.

Trouble, China has a different mindset, different expectations of quality control in manufacturing, when controlled by Chinese Government, people, than other parts of the world.

Demonstrated in this media release below.

In 2008, six babies died and 300,000 were affected by melamine-contaminated baby milk powder produced in China, prompting many Chinese citizens to begin turning to foreign milk products.

AGAIN I STATE

Expanding into a market such as China with a huge population and businesses controlled by Government because they wish to keep profits for their country is dangerous, unless there is a big benefit for China.

But the Chinese can control the marketing and virtually wipe out a “market” in China overnight, and a foreign company is usually so highly financially stressed and because they geared production for more potential sales in the huge Chinese market that this company is sold, and most of the time a Chinese Government business buys this struggling company.

Then the Chinese market is revitalised knowing the upcoming middle class of China prefer quality products from foreigners because their quality control mechanisms internally are enforced and to a higher Standard than Chinas controlled Government businesses.

AUSTRALIAN COMPANY TAKEOVER IN SMALL TOWN

I present this scenario:

Toora, a Victorian country town had a milk powder factory, the business closed down. Guess who owns this now, a Chinese company.

I believe the new Chinese owners use unemployed people, the same people that used to work there from the town who are subsidised by the Centrelink, when the time the subsidy ceases that person is sacked and another subsidised worker compliments of the Federal Government is employed.

Now there are rumours in the area the company are bringing in workers from China, and installing state of the art equipment to reduce human intervention.

China should not be directing how Australians are being affected by non-compliant products.

The very issues you will be addressing are important, however the core issues are

- The Free Trade Agreement philosophy, especially with China
- Standards Australia, more so, but not by much, and need to be questioned again on these issues below.
- The Victorian Government are going to give away free money for insulation, ANOTHER HOME INSULATION PROGRAM “hiding in sheep’s clothing” in the name of reducing greenhouse gases.
- THIS IS WHY I HAVE INCLUDED in this Senate Inquiry Non- Conforming Building and other Products Inquiry, my submission to the Victorian Governments, Victorian Energy Efficiency Target (VEET) including insulation in their Scheme which demonstrates the confusion of Governments having to use Standards that are not fit for purpose, and how big business in Australia are using Standards Committees, like the Chinese manipulate situations for their own gain.
- In the case of VEET, Standards are called up along with additional Victorian Government guidelines that contradict Standards regarding electrical safety in roof spaces for people to get free insulation.
- Standards Australia have refused to make roof spaces electrically safe by NOT alerting the reader of that Standard to electrical issues, whereas the Victorian Government acknowledge there are issues in roof spaces and are attempting to address these beyond the directions of Standards.
- Standards Australia’s management philosophy of the Standards process are outdated, AND archaic, even though they were given recommendations which they have mostly ignored from a 2006 Productivity Commission Senate Inquiry into Standards Australia. These issues are detailed in my VEET submission.
- the various Standard Committees survive with mostly large business running the agendas to compose and write the Standards, they do this to:
 - keep their people employed,
 - satisfy their shareholders and bottom line because Government can’t be involved (fund directly) in the Standards process.
- **BUT**, there are Government “bodies” that sit on a Standards Committees which are privy at this point to Committee material, while having the opportunity I believe to influence the Standards process.
 - These Government bodies are active participants on a Standards Committee BD 58, have voting rights and can be in direct contact with large companies I believe.

CSIRO Government funded

ABCB Australia Building Codes Board Government funded

ERAC Electrical Regulatory Advisory Council comprises amongst its membership all State and Territory Electrical Safety Offices

Nick Xenophon who sat on the earlier Senate Inquiry panel is aware of the many life threatening issues (shards of glass which you received Nick, because the actual Standard specifications are not fit for purpose) and other expensive issues that are threatening our Nation.

I believe Nick was instrumental to exposing of the asbestos issue which was the “last straw”.

Senators

You are aware

- of the dangerous imported from China asbestos issue at the South Australian Port Pirie smelter?
- the **Non - Conforming Building Products Senate Inquiry** panel heard in Melbourne about the rorts of the glass industry, with Senate panel members given a weapon (shard of glass) as a result of flawed Standards by Dr Nathan Muntz. **Submission 68**, also read **Submission 67** Dr Leon Jacob?
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Non-conforming_products/Subm
- I believe Dr Nathan Muntz should give further evidence ON THE STAND to this Senate Inquiry so the new Senators who have to vote on recommendations are fully aware of what Dr Muntz has exposed, AND THE DANGER TO THE PUBLIC OF AUSTRALIA.
- Senator John Madigan lead the “charge” in exposing the inability of Standards Australia to protect the ordinary Australians?
- of the chaos in the building industry, the total lack of any consumer protection for all Australian building consumers: Anne Paton? **Submission 63** http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Non-conforming_products/Subm
- of the dangerous non- compliant Chinese electrical cabling, with still 22,000km of cable remains installed; with the residents at risk of death by fire or electrocution? This dovetails with the VEET Scheme issues with Standards Australia and must be pursued further.
- of the reported trillion dollar rectification bill created by the Chinese non - compliant cladding on high rise buildings causing fire. Melbourne Metropolitan Fire Brigade **Submission 22** http://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Non-conforming_products/Subm

- the Chinese Government own two of Australia's largest commercial builders I believe, Leighton Holdings and John Holland?
Therefore, they can bring into this country any products they like, which probably will include non - conforming products.
- any Australian individual or company dealing with a Chinese company are dealing with the Chinese government, they own all businesses, and appoint managers to administer these?
- Of, the basics of the trade agreement:
 - protects no one,
 - dispute resolution takes trading Australians nowhere
 - the Chinese flout this, with protection of the Australian political system,
 - our political system inflicts the blatant disregard of China on the people OF Australia, who "charge" our political system with protecting us, AND WE PAY THEM.
- Australians are "under fire" from the Chinese Government and within, the Federal Australian Coalition, aided by past trade Minister Mr Robb and his trade envoy because of the conditions within the Chinese, Australian Trade Agreement?
- of the Disputes resolution contained in that Chinese, Australian Trade Agreement?

Below, marked up parts I believe "cuts to the chase" of dealing with State Chinese Governments overseen by the Chinese National Republic Government.

See ARTICLE 6.7: CONFORMITY ASSESSMENT PROCEDURES

6.7.6 Quoted below

6. China's domestic legislation requires a cooperation agreement between the Parties or their competent authorities before it can accredit, approve, license or otherwise recognise a body in the territory of Australia for assessing conformity with a particular technical regulation or standard

What happens if this does not happen.

This Agreement I believe has been written to create confusion to protect the Chinese to virtually sell us any product we buy from them, that does not have to conform to our Standards or expectations of "fit for purpose".

Should compensation be instigated, China will bully Australian importers through the Australian Government, of course for the "good" of the Australian people JOBS. NO, SELLING US OUT.

FREE TRADE IMPLICATIONS FOR NON CONFORMANCE

CHAPTER 6

TECHNICAL BARRIERS TO TRADE

5. Each Party shall take such reasonable measures as may be available to it to ensure compliance with the provisions of this Chapter by local government bodies and non-government bodies within its territory. p43

ARTICLE 6.5: INTERNATIONAL STANDARDS

The Parties shall use international standards, guidelines and recommendations, or the relevant parts of international standards, as a basis for their technical regulations and related conformity assessment procedures where relevant international standards exist or their completion is imminent, unless such international standards or their relevant parts are ineffective or inappropriate to fulfil legitimate objectives.

ARTICLE 6.6: TECHNICAL REGULATIONS

1. Each Party shall give positive consideration to accepting as equivalent technical regulations of the other Party, even if these regulations differ from its own, provided that it is satisfied that these regulations adequately fulfil the objectives of its regulations.

2. Where a Party does not accept a technical regulation of the other Party as equivalent to its own, it shall, on request of the other Party, explain its reasons. The Parties will, if they so agree, give further consideration to whether a Party should accept a particular regulation as equivalent to its own and consider establishing an ad hoc working group, as provided for in Article 6.13.5(e), for this purpose.

ARTICLE 6.7: CONFORMITY ASSESSMENT PROCEDURES

procedures, including testing, inspection, certification, accreditation and metrology, with a view to building mechanisms for cooperation in the field of conformity assessment procedures in a manner consistent with the TBT Agreement and the relevant domestic legislation of the Parties

6. China's domestic legislation requires a cooperation agreement between the Parties or their competent authorities before it can accredit, approve, license or otherwise recognise a body in the territory of Australia for assessing conformity with a particular technical regulation or standard.

7. This Article shall not preclude a Party from undertaking conformity assessment solely within specific government bodies located in its own territory or in the other Party's territory, subject to its obligations under the TBT Agreement.

I have added this NOTE below to assist reader

TBT Agreement means the *Agreement on Technical Barriers to Trade* contained in **Annex 1A of the WTO Agreement;**

The hidden cross references Annex 1A of the WTO Agreement; make it very hard for people who should know how this interacts, but really don't want, or are

advised not to know, because of the deceit of the political system and how “stuffed the average person will be from these agreements.

Parties. In particular, the Parties shall seek to identify bilateral initiatives regarding standards, technical regulations and conformity assessment procedures that are appropriate for particular issues or sectors so as to facilitate trade. Such initiatives may include:

- (a) cooperation on regulatory issues, such as convergence or equivalence of technical regulations and standards;
- (b) alignment with international standards;
- (c) feasibility of acceptance and reliance on a supplier’s declaration of conformity;
- (d) use of accreditation to qualify conformity assessment bodies; and
- (e) cooperation through recognition of conformity assessment procedures.

2. The Parties shall encourage their respective standardising and conformity assessment bodies to consult and exchange views when developing standards, guidelines, recommendations

ARTICLE 6.12: CONSULTATION AND DISPUTE SETTLEMENT

1. The Parties shall endeavour to resolve any matter arising under this Chapter through cooperative mechanisms under this Chapter.

2. Neither Party shall have recourse to the provisions in Chapter 15 (Dispute Settlement) for any matter arising under this Chapter.

CHAPTER 15

DISPUTE SETTLEMENT

ARTICLE 15.16: COMPENSATION AND SUSPENSION OF CONCESSIONS AND OBLIGATIONS

1. If the Party complained against:

- (a) fails to comply with the findings of the arbitral tribunal within the reasonable period of time;
- (b) expresses in writing that it will not comply with the findings of the arbitral tribunal, or
- (c) has been found through the compliance review process set out in Article 15.15 to have not complied with the obligations in Article 15.13.1,

that Party shall, if so requested, enter into negotiations with the complaining Party with a view to reaching a mutually satisfactory agreement on any necessary compensation.

2. If the Parties do not reach agreement on compensation in accordance with paragraph 1 within 20 days, the complaining Party may provide written notification to the Party complained against that it intends to suspend the application to the Party complained against of concessions

and obligations under this Agreement of equivalent effect to the level of non-conformity that the arbitral tribunal has found. **The notification shall specify the level of concessions or other obligations that the complaining Party proposes to suspend.**

3. The complaining Party may begin suspending concessions and obligations 30 days after it provides notification of its intention to suspend, or after an arbitral tribunal issues its determination under paragraph 6.

4. Any suspension of concessions and obligations shall be restricted to benefits accruing to the other Party under this Agreement.

5. In considering what concessions and obligations to suspend in accordance with paragraph 2, the complaining Party shall apply the following principles:

(a) the complaining Party should first seek to **suspend concessions and obligations in the same sector(s) as that affected by the measure that the arbitral tribunal has found to be inconsistent with the obligations of this Agreement;** and

(b) if the complaining Party considers that it is not practicable or effective to suspend concessions and obligations in the same sector(s), it may suspend concessions and obligations in other sectors. The communication in which it announces such a decision shall indicate the reasons on which it is based.

6. If the Party complained against objects to the level of suspension proposed, or considers that the principles set out in paragraph 5 have not been applied, it may make a written request to reconvene the original arbitral tribunal to examine the matter. The arbitral tribunal shall **determine whether the level of concessions and obligations to be suspended by the complaining Party in accordance with paragraph 2 is equivalent to the level of non-conformity.** If the arbitral tribunal cannot be established with its original arbitrators, the proceeding set out in Article 15.7 shall be applied.

7. The arbitral tribunal shall present its determination within 60 days of the request made in accordance with paragraph 6 or, if an arbitral tribunal cannot be established with its original arbitrators, from the date on which the last arbitrator is designated. The determination of the arbitral tribunal shall be final and binding and **shall be made publicly available.**

8. The suspension of concessions and obligations shall be temporary and shall only be applied until such time as the measure found to be inconsistent with this Agreement has been removed, **or a mutually satisfactory solution is reached.**

ANNEX 15-B

MODEL RULES OF PROCEDURE FOR THE ARBITRAL TRIBUNAL

Role of experts

20. On request of a Party, or on its own initiative, the arbitral tribunal may seek information and technical advice from any individual or body that it deems appropriate, **provided that the Parties agree and subject to such terms and conditions as the Parties agree.** The arbitral tribunal shall provide the Parties with any information so obtained for comment.

The State of our nation

What hope has Australia got, very little real manufacturing, the mineral boom is in “bust and boom” cycles, falling company profits, fluctuating share prices.

What's left for our beautiful country, being the world's nuclear waste dump?

NO manufacturing to speak of, no REAL JOBS, we basically live off borrowed money.

All Australia is, is a service based economy, tourism, cafes, restaurant's, fast food outlets, commodity based servicing, accountants, and a "slanted" legal system.

How do people pay for these with no real jobs?

Of course all Governments are for big business providing jobs. AREN'T THEY?

Liberals

For big business, yet spruiking small business. I believe small business should be limited to a turnover of less than 1 million dollars with a proviso of employment ratio to be determined.

Labor

For small ordinary person?

Yes, led by big business, UNIONS who although necessary, wield too much power which needs to be restrained at times.

IN CONCLUSION

The Trade Agreements conditions "pit" importers of Chinese manufactured products against the might of the Chinese Government

Australian Governments no matter who governs will not upset the Chinese.

What happens when Australia enforces Australian Standards for imported goods?

Give an exemption to allow non - compliant Chinese products into Australia?

If that's the case lower the Australian Standards, and allow Australian manufacturers to compete and make products at the allowable Chinese Standard.

AGAIN, I have evidence of collusion between Chinese and Australian importers. A very large retail hardware company Bunnings with fraudulent compliance certificates for Chinese products imported into Australia.

From my years of "Working with Government," Standards Australia and the ACCC has proven futile.

Even after I participated in the

- 2013 Queensland Coronial Inquiry Home Insulation Program.

- 2014 Royal Commission Home Insulation Program
See issues Google my name graeme doreian

NO Government or Standards Australia meaningful action.

Which I believe will happen with the Non- Conforming Building Products Senate Inquiry.

What hope is there of a meaningful resolution to the China Trade Agreement restriction issue of disputes, unless the independents in the Senate vote as one to force the Federal Coalition Government to address the real issues

WILL NOT HAPPEN, WILL IT?

Regards

Graeme B Doreian

[REDACTED]

e mail [REDACTED]

Mob [REDACTED]