

**Senate Environment and Communications Committee
National Cultural Policy**

QUESTION ON NOTICE / Written

Topic: United States Free Trade Agreement

Senator Sarah Hanson-Young

Question

1. Has the Department of Foreign Affairs and Trade considered the impacts of the United States Free Trade Agreement on how it would affect Australia's ability to regulate local content in digital services such as streaming services/platforms and television?
 - a) What are the identified impacts of the agreement?
 - b) Have steps been taken to ensure that the agreement does not negatively impact Australian's access to Australian content?

Please provide the committee with any supporting documentation for the answers to the above questions.

Answer

1. Yes
 - a) Australia has trade and investment obligations in the Australia-US Free Trade Agreement (AUSFTA) relevant to interactive audiovisual services, such as streaming platforms. The Government is conscious of its obligations under AUSFTA and these are an important factor in designing the local content requirement in support of the National Cultural Policy's efforts to foster sustainable growth in Australia's creative industries. The agreement is available at: www.dfat.gov.au/trade/agreements/in-force/ausfta/official-documents/Pages/official-documents
 - b) Australia makes commitments in its international trade agreements having regard to the overall economic benefits for Australia. These agreements are subject to parliamentary scrutiny, including through the Joint Standing Committee on Treaties.

Australia's FTA obligations are also subject to explicit exceptions and reservations to protect Australia's ability to regulate domestically on a variety of important issues. For example, AUSFTA contains a range of exceptions relating to broadcasting and audiovisual services.