

**Government Response to the 18th Report of the Joint
Standing Committee on Treaties – Multilateral
Agreement on Investment: Final Report**

Recommendations

The Joint Standing Committee on Treaties recommends that, if there are negotiations for an across countries agreement for the regulation of international capital:

- *Australia continue to be involved in those negotiations (paragraph 8.41);*
- *the Department of the Prime Minister and Cabinet assume the lead role in coordinating the Australian Government's negotiations;*
- *the Department of the Prime Minister and Cabinet actively and effectively involve all relevant Commonwealth agencies from the beginning of any negotiations;*
- *the Department of the Prime Minister and Cabinet ensure that all Australians have the opportunity to put their views on all aspects of any negotiating text as part of an open and public process, and*
- *from the beginning of any negotiations towards such an agreement, the Department of the Prime Minister and Cabinet forward written reports on a six-monthly basis to the Committee about their content and progress (paragraph 8.47).*

Government response

- The Government reiterates that negotiations on the Multilateral Agreement on Investment (MAI) in the OECD are no longer taking place. Should an across countries agreement for the regulation of international capital emerge again in the future in the OECD or any other forum, the Government will consider whether it is in Australia's national interest to be involved in such negotiations.
- Should the Government decide to participate in any such future negotiations, it will give consideration as to which department should have the lead role at the time and will keep the Joint Standing Committee on Treaties informed.
- The department with lead role for any such future negotiations would involve not only all relevant Commonwealth agencies, but also all State and Territory governments and through them local government agencies. Non-government organisations would also be consulted as appropriate.
- In any future negotiations of treaties covering international investment rules the Government would provide for interested parties and individuals to put their views, including through the Government's treaty making processes, which ensure timely and effective consultation on all treaty matters.