

## **ATTACHMENT I – CONSULTATION**

### **Trans-Pacific Partnership Agreement between the Government of Australia and the Governments of:**

**Brunei Darussalam, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam**

**and associated side letters**

(Auckland, 4 February 2016)

**[2016] ATNIF 2**

### **CONSULTATION**

#### **State and Territory Governments**

The proposed treaty action will have an impact on the States and Territories. Moreover, Australia has included several non-conforming measures relating to regional governments in its annexes.

State and Territory Governments were consulted on a regular basis, including via correspondence, teleconferences, and meetings on specific issues as well as meetings of the Trade and Investment Ministers, Senior State and Territory Trade Officials Group (STOG) and Commonwealth-State-Territory Standing Committee on Treaties (SCOT). State and Territory departments were invited to make public submissions at the outset of negotiations and had the opportunity to make submissions throughout the negotiating period. Throughout the negotiations, the Trade Minister wrote to State and Territory leaders seeking endorsement of Australia's services, investment and government procurement offers, prior to exchanging offers with other TPP negotiating parties, reflecting the responsibilities State and Territory Governments have for the regulation of these activities. State and Territory Governments subsequently advised that they supported the initial offer subject to continuing consultations on TPP.

#### **Commonwealth Government agencies**

Commonwealth Government departments were consulted extensively throughout the negotiations and representatives from relevant departments participated in negotiating sessions held in Australia and other TPP countries.

#### **Consultations since the TPP negotiations concluded**

DFAT has continued to consult stakeholders, State and Territory Governments, interested members of the public, and other Commonwealth Government departments since the negotiations concluded on 5 October 2015 in Atlanta. DFAT will continue to carry out these consultations in the future.

A large number of business stakeholders have made public comments welcoming the outcomes of the TPP negotiations. Similarly, there have been positive public statements welcoming the TPP outcomes from a number of State and Territory Governments. Some civil society groups have expressed concern with the ISDS-related, labour, movement of natural persons, biologics and health outcomes.

### **Public consultations**

DFAT commenced stakeholder consultations in 2008 with a call for public submissions. Following the launch of negotiations in 2010 and throughout, DFAT received a considerable number of public submissions<sup>1</sup> and correspondence from individuals, NGOs, companies, and peak industry groups on a range of issues.

### **LIST OF PUBLIC SUBMISSIONS RECEIVED**

The following organisations and individuals made submissions regarding the TPP:

1. ABB Grain Ltd
2. Accord Australasia Limited
3. Alisha Dahlstrom, Postgraduate Research Student NCMCRS, University of Tasmania
4. Alphapharm
5. American Chamber of Commerce in Australia
6. Australasian Mechanical Copyright Owners Society and Music Industry Piracy Investigations
7. Australasian Performing Right Association Ltd and Australasian Mechanical Copyright Owners Society
8. Australia Post
9. Australian Chamber of Commerce and Industry
10. Australian Council of Trade Unions
11. Australian Dairy Industry Inc
12. Australian Dairy Industry Council Inc.
13. Australian Dental Industry Association
14. Australian Fair Trade and Investment Network
15. Australian Heroic Sustainability
16. Australian Horticulture Exporters Association
17. Australian Industry Group
18. Australian Medical Students' Association
19. Australian Pork Ltd
20. Australian Recording Industry Association (ARIA) and Music Industry Piracy Investigations
21. Australian Red Meat & Livestock Industry
22. Australian Seafood Trade Advisory Group
23. Australian Sugar Industry Alliance Ltd
24. Australian Tourism Export Council
25. BHP Billiton
26. Byron Shire Council

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<sup>1</sup> Some individuals/entities requested their submission be kept confidential and some individuals/entities provided more than one submission.

27. Ms Naomi Burchett
28. Canadian Australian Chamber of Commerce
29. Centre for Health Equity Training Research and Evaluation
30. Chamberlain Australia Pty Ltd
31. Charles Sturt University
32. Civil Liberties Australia
33. Construction, Forestry, Mining & Energy Union of Australia
34. Consumer Health Forum of Australia
35. Crop Pollination Association
36. Dr Ann Capling, Professor of Political Science, Melbourne University
37. Dr Deborah Gleeson, La Trobe University
38. Dr Deborah Gleeson, with Ruth Lopert and Hazel Moir
39. Drew Nichols
40. Dr Hazel Moir
41. Dr Jordan Bell
42. Dr Kyla Tienhaara, Australian National University
43. Electronic Frontiers Australia
44. Export Council of Australia
45. Ford Australia
46. Mr Bob Garrard
47. Gene Ethics
48. General Electric
49. George Gad
50. Goway
51. Graincorp
52. Horticulture Australia
53. Humane Society International and International Fund for Animal Welfare
54. Interactive Games & Entertainment Association/Games Developers' Association of Australia
55. Investment and Financial Services Association Ltd
56. John P. Harvey
57. Kimberlee Weatherall
58. Linux Australia
59. Lois Katz
60. Meat & Livestock Australia
61. Media, Entertainment and Arts Alliance
62. Medical Technology Association of Australia
63. Minerals Council of Australia
64. Multi-NGO submission: Trans-Pacific Partnership Agreement, Intellectual Property and Medicines
65. Music Council of Australia
66. Nathan Holyoak
67. Navitas Limited
68. Neil A. Freestone
69. Open Source Industry Australia
70. Paladin Energy Ltd
71. Plenary Group
72. Rebecca LaForgia, Adelaide University School of Law
73. RMIT International University Vietnam
74. Screen Producers Association of Australia

75. Stephanie Hunt
76. Sugar Australia
77. Telstra
78. Thomas Faunce and Ruth Townsend, Australian National University
79. Vintage Reds of the Canberra Region
80. Pauline Westwood
81. Winemakers' Federation of Australia
82. WorleyParsons
83. World Society for the Protection of Animals

## **LIST OF STAKEHOLDERS CONSULTED**

1. 3M
2. AAA Mortgages
3. ABB Grain
4. Abell Legs
5. Accolade Wines
6. Accord Australasia
7. ACT Australia
8. Adidas Group Australia
9. Advance Cairns
10. Advanced Medical Technology Association
11. AGF Management Limited (Australia)
12. All Occasions Events
13. Allens
14. Alphapharm
15. Alyosia Brooks
16. American Chamber of Commerce in Australia
17. Amgen Australia
18. AMSA Global Health
19. Andrew Codrington
20. ANZMEX Chamber of Commerce
21. APEC Business Advisory Council
22. APEC Study Centre
23. Archdiocese of Brisbane
24. Architects Accreditation Council of Australia
25. Arts Alive and Screen Hub
26. Asian Pacific Group
27. Association of Consulting Architects of Australia
28. AusBiotech
29. AusFilm
30. Austal
31. AustCham Singapore
32. Austmine
33. Australian Mobile Telecommunications Association
34. Australasian Mechanical Copyright Owners' Society

35. Australasian Performing Right Association
36. Australasian Procurement and Construction Council
37. Australia & New Zealand Chamber Of Commerce in Japan
38. Australia and New Zealand Bank Group
39. Australia Chile Chamber of Commerce
40. Australia Grain Exporters Association
41. Australia Indonesia Business Council
42. Australia Japan Business Co-operation Committee
43. Australia Malaysia Business Council
44. Australia Post
45. Australia-ASEAN Business Council
46. Australia-Chile Chamber of Commerce
47. Australia-Latin America Business Council
48. Australian Bankers' Association
49. Australian Broadcasting Corporation
50. Australian Business Consulting & Solutions
51. Australian Business Deans Council
52. Australian Catholic University
53. Australian Chamber of Commerce and Industry
54. Australian College Information Centre
55. Australian Construction Industry Forum
56. Australian Copyright Council
57. Australian Council for Private Education and Training
58. Australian Council of Trade Unions
59. Australian Council of Wool Exporters and Processors
60. Australian Dairy Farmers
61. Australian Dairy Industry Council
62. Australian Dairy Products Federation
63. Australian Dental Industry Association
64. Australian Digital Alliance
65. Australian Directors' Guild
66. Australian Fair Trade and Investment Network
67. Australian Federation Against Copyright Theft
68. Australian Federation of AIDS Organisations
69. Australian Financial Markets Association
70. Australian Food and Grocery Council
71. Australian Forest Products Association
72. Australian Grain Exporters Association
73. Australian Guild of Screen Composers
74. Australian Home Video Entertainment Association
75. Australian Horticultural Exporters' Association
76. Australian Industry Group
77. Australian Information Industry Association
78. Australian Institute of Architects

79. Australian Institute of Employment Rights
80. Australian Institute of Export
81. Australian Institute of Professional Education
82. Australian Interactive Media Industry Association
83. Australian International Schools Association
84. Australian Libraries' Copyright Committee
85. Australian Logistics Council
86. Australian Manufacturing Workers' Union
87. Australian Marine Conservation Society
88. Australian Meat Industry Council
89. Australian Medical Students' Association
90. Australian Mines and Metals Association
91. Australian Mobile Telecommunications Association
92. Australian National Preventive Health Agency
93. Australian National University
94. Australian Nut Industry Council
95. Australian Oilseeds Federation
96. Australian Patriot Movement
97. Australian Petroleum Production and Exploration Association
98. Australian Pork Limited
99. Australian Procurement and Construction Council
100. Australian Recording Industry Association
101. Australian Screen Association
102. Australian Self Medication Industry
103. Australian Services Roundtable
104. Australian Services Union
105. Australian Subscription Television and Radio Association
106. Australian Sugar Industry Alliance
107. Australian Sugar Milling Council
108. Australian Taiwanese Chamber of Commerce Queensland
109. Australian Tourism Export Council
110. Australian Wine and Brandy Corporation
111. Australian Wool Innovation
112. Australian Writers' Guild
113. Australia-Singapore Chamber of Commerce & Industry
114. Aviation-Aerospace Australia
115. Baker & McKenzie
116. Balco Australia
117. Barnaby Evans
118. Baxter Healthcare
119. BDO Australia
120. Benjamin Baker
121. Beverley Wood
122. BHP Billiton

123. Biota
124. Bird Life Australia
125. BlueScope Steel Australia
126. Bond University
127. Brambles
128. Bray Chan Chartered Accountants
129. Brisconnections
130. BRP Australia
131. Business Council of Australia
132. Campaign for Tobacco Free Kids
133. Canadian Australian Chamber of Commerce
134. Cancer Council of Australia
135. Canegrowers
136. Capital Group Australia
137. Cargill Australia
138. Cathy Lewis
139. Cattle Council of Australia
140. Center for Policy Analysis on Trade and Health
141. Certified Practising Accountants Australia
142. Chamber of Commerce & Industry of Western Australia
143. Chamber of Commerce Northern Territory
144. Charles Sturt University
145. Chevron Australia
146. CHOICE
147. Citibank
148. Citrus Australia
149. Clayton Utz
150. Clean Energy Council
151. Clough
152. Clyde & Co Australia
153. Coalition of Legal Toothfish Operators
154. Committee for Economic Development of Australia
155. Committee for Melbourne
156. Commonwealth Bank of Australia
157. Communications Alliance
158. Community and Public Sector Union & State Public Sector Federation
159. Complimentary Health Care Council of Australia
160. Conference of Asia Pacific Express Carriers
161. Construction, Forestry, Mining & Energy Union of Australia
162. Consumers Health Forum of Australia
163. Consumers International
164. Copyright Agency
165. Cornwall Stodart Lawyers
166. Corrs Chambers Westgarth

167. Cotton Australia
168. Council for International Trade and Commerce of South Australia
169. Council for Private Education and Training
170. Council of Australian Law Deans
171. Council of Private Higher Education
172. Council of Small Business Australia
173. Council of Textiles and Fashion Industries of Australia
174. Cox Architects
175. CropLife Australia
176. CSR Limited
177. Curtin University
178. Customs Brokers and Forwarders of Australia
179. Dairy Australia
180. DAS International
181. Digital Industry Association of Australia
182. Distilled Spirits Industry Council of Australia
183. Diver Consolidated Industries
184. Dotmobicard
185. Duana Morris
186. eBay Australia & New Zealand
187. Ecospecifier Global
188. Electronic Frontiers Australia
189. Eli Lilly Australia
190. Engineered Wood Products Association of Australasia
191. Engineers Australia
192. English Australia
193. Environmental Investigation Agency
194. Ericsson Australia
195. Ernst & Young
196. European Australian Business Council
197. Export Council of Australia
198. Fashion Industries of Australia
199. Federal Chamber of Automotive Industries
200. Federation of Automotive Products Manufacturers
201. Female Engineers
202. Ferrier Hodgson Australia
203. Finance Sector Union of Australia
204. Financial Services Council
205. Financial Services Institute of Australasia
206. Fonterra
207. Ford Motor Company of Australia
208. Forest Stewardship Council
209. Foxtel
210. Francisc Vila



211. Free TV Australia
212. Friends of the Earth
213. Futuris Corporation
214. G8 Universities
215. Gadens
216. Galexo
217. GAP Migration
218. Gene Ethics
219. General Electric Australia
220. General Motors Holden
221. Generic Medicines Industry Association
222. GeneTech
223. George Gad
224. Global Witness
225. Gloria Jean's Coffees
226. Google Australia
227. Goway
228. Grain Producers Australia
229. GrainCorp
230. GrainGrowers
231. Grains Industry Market Access Forum
232. Griffith University
233. Gross & Becroft
234. Hagakure Enterprises
235. Halliburton
236. Harm Reduction International
237. Hatch
238. Helen Cox
239. Herbert and Geer
240. Herbert Smith Freehills
241. Heroic Sustainability
242. Hewlett Packard
243. Horticulture Australia
244. Horticulture Innovation Australia
245. Hospira
246. HSBC (Australia)
247. Humane Society International
248. Hunt & Hunt
249. Hydroplan
250. IBM Australia
251. ICON Engineering
252. iiNet
253. Incat
254. Independent Schools Council

255. Independent Schools Queensland
256. Inquit
257. Institute for International Trade
258. Institute of Chartered Accountants in Australia
259. Institute of International Affairs
260. Institute of Patent & Trademark Attorneys of Australia
261. Institute of Public Accountants
262. Insurance Australia Group
263. Insurance Council of Australia
264. Interactive Games and Entertainment Association
265. InterMalt
266. International Education Association of Australia
267. International Federation for the Surgery of Obesity and Metabolic Disorders
268. International Fund for Animal Welfare
269. International Legal Services Advisory Council
270. International Procurement Consultative Group
271. International Student Experience Association
272. International Treatment Preparedness Coalition
273. International Union of Foodworkers
274. International WaterCentre
275. Investment and Financial Services Association
276. ISS International
277. IT News.com.au
278. ITS Global
279. James H Lillie
280. James Kennedy
281. Jane Kelsey
282. Jason Morgan-Graham
283. Jetstar
284. Ji Song
285. Joel Kershaw
286. John P. Harvey
287. Johnson and Johnson
288. Karl Snowsill
289. Keeash
290. Kenrick Jacobsen
291. Kim Dalton
292. KPMG
293. Kreab Gavin Anderson
294. La Trobe University
295. Lateral Economics
296. Law Council of Australia
297. Lee Choon Siau
298. Leighton Holdings

299. Lempriere
300. LendLease
301. Linfox
302. Logan and Albert Conservation Association
303. Macadamia Nut Society
304. Macquarie Telecom
305. MADGE Australia Inc
306. Majestic Opals
307. Marian Hart
308. MasterCard
309. Matthew Dawes
310. Matthew Rimmer
311. McCabe Centre for Law & Cancer
312. Meat and Livestock Australia
313. Médecins Sans Frontières Australia
314. Media, Entertainment and Arts Alliance
315. Medical Technology Association of Australia
316. Medicines Australia
317. Medtronic Australasia
318. Melbourne Football Club
319. Menzies School of Health Research
320. Microsoft
321. Mills Oakley Lawyers
322. MineARC Systems
323. Minerals Council of Australia
324. Minter Ellison
325. Mitsubishi Motors Australia
326. Monash University
327. Morgan Stanley
328. Morningstar
329. Murdoch University
330. Music Council of Australia
331. Music Industry Piracy Investigation
332. Music Rights Australia
333. My Flex Health
334. National Association of Testing Authorities
335. National Australia Bank
336. National Centre for Epidemiology and Population Health
337. National Farmers' Federation
338. National Foreign Trade Council
339. National Insurance Brokers Association
340. National Library of Australia
341. National Tertiary Education Union
342. National Tourism Alliance

343. National Union of Workers
344. Navitas
345. News Corp
346. Northern Territory Cattlemen's Association
347. Norton Rose Fulbright
348. Nossal Institute for Global Health
349. NSW Business Chamber
350. NSW Farmers' Federation
351. NSW Nurses and Midwives Association
352. NSW Young Lawyers
353. Oceana
354. Office of Horticultural Market Access
355. OneSteel
356. Open Source Industry Australia
357. Orica
358. Original Sovereign Tribal Federation
359. Oxford Systematics
360. OzPack
361. PacPlan
362. Paladin Energy
363. Palliative Care Australia
364. Palombi IP
365. Pattillo & Associates
366. Paul Romas
367. Penske Media Corporation
368. Peoples Health Movement Australia
369. Peter Blanchard
370. Pfizer Australia
371. Pirate Party Australia
372. Plastics and Chemicals Industries Association
373. Plenary Group
374. PolyPacific
375. Premium Wine Brands
376. Pricewaterhouse Coopers
377. Professions Australia
378. Progen Pharmaceutical
379. Public Citizen
380. Public Health Association of Australia
381. Public Health Association of Australia – NSW branch
382. Public Health Association of Australia – Victorian branch
383. Pulse Australia
384. Qantas
385. QBE Insurance
386. Queensland Japan Chamber of Commerce & Industry

387. Queensland Sugar Limited
388. Queensland University of Technology
389. Regional Union Movement
390. Ricegrowers' Association of Australia
391. Rio Tinto
392. RMIT University
393. Rob Rich
394. Roger C Woodward & Co
395. Roger Woodward
396. Royal Brisbane Institute of Technology
397. Sam Silva
398. Sanofi-Aventis
399. Santos
400. Sara Kerrison
401. Scott Day
402. Screen Australia
403. Screen NSW
404. Screen Producers Australia
405. Seafood Services Australia
406. Seafood Trade Advisory Group
407. SEARCH Foundation
408. Securities Industry and Financial Markets Association
409. Service Skills Australia
410. Shanno Kumar
411. Sheepmeat Council of Australia
412. Silver Fox Partners
413. Sky Christensen
414. SMSF Professionals' Association of Australia
415. Soniclean
416. South Australian Open Source Consulting Engineers
417. Southbank Institute of Technology
418. SPC Ardmona
419. Special Broadcasting Service
420. Spirit Pharmaceuticals (Watson Group)
421. Spotless
422. Standards Australia
423. Standing Council on School Education and Early Childhood
424. Stockbrokers Association of Australia
425. Strategic Human Resources
426. Sue McCreadie
427. Sugar Australia
428. Sum of Us
429. SunRice
430. Swinburne University
431. Swisse
432. TAFE Directors Australia
433. TAFE NSW

434. Tanda International
435. Target
436. Telstra
437. TGB Lawyers
438. The Australia Institute
439. The Australian Financial Review
440. The Barake Foundation
441. The Capital Group
442. Third World Network
443. Time Warner
444. Toll Group
445. Tourism and Transport Forum Australia
446. Townsend Chemicals
447. Toyota Australia
448. TPP Australia
449. Trans-Tasman Business Circle
450. Triple Plate Junction
451. TS Support
452. Universities Australia
453. University of Adelaide
454. University of Melbourne
455. University of New South Wales
456. University of Queensland
457. University of Sydney
458. University of Tasmania
459. University of Technology Sydney
460. University of Western Australia
461. University of Wollongong
462. VET Network
463. Victoria Legal Aid
464. Victorian Employers' Chamber of Commerce and Industry
465. Victorian Trades Hall Council
466. Village Roadshow
467. Virgin Australia
468. Virginia Foote
469. Visa
470. Viscopy
471. Visionary Design Development
472. Viterra Australia
473. Wendy Cockroft
474. Westpac Bank
475. Wild Migration
476. Williams Trade Law
477. Wilmar Sugar
478. Wine Australia
479. Winemakers' Federation of Australia
480. World Information Technology and Service Alliance
481. World Society for the Protection of Animals

482. World Wide Fund for Nature
483. Worley Parsons
484. Yahoo
485. ZDNet Australia