



11/27820-03

7 February 2013

**David Fredericks, Deputy Secretary, Civil Justice & Legal Services Group**

Through: Greg Manning,  
First Assistant Secretary  
International Law and Human Rights Division

**S47F(1) Travel report — attendance at 15<sup>th</sup> round of negotiations of the Trans-Pacific Partnership Agreement (3-12 December 2012)**

### **Background**

I was part of the Australian delegation at the 15<sup>th</sup> round of negotiations of the Trans-Pacific Partnership Agreement (the Agreement) in Auckland, New Zealand from 3-12 December 2012. The Agreement is currently under negotiation between Australia, S33(a)(iii), S33(b)

The Office of International Law (OIL) is providing advice on the negotiation of the Agreement as per our responsibility to promote the Government's interests in international trade law, including through the negotiation of international legal instruments.

### **Comment / Progress**

The objectives of the travel were met.

My primary role was to provide legal counsel to the lead negotiators from DFAT (in particular for S33(a)(iii), S33(b)

In this capacity I was active in clarifying the legal effect of textual proposals and explaining the legal reasons for Australia's positions. I made substantial contributions in informal discussions and formally when Parties discussed complex legal issues related to the obligations in the Agreement. For example, I provided explanations to the S33(a)(iii), S33(b) Working Group on a number of Australian textual proposals.

I also participated in the S33(a)(iii), S33(b) working group to provide legal counsel, including, on the operation of particular provisions, domestic implementation and compliance of proposals with international law.

Lastly, I was available, and was approached, throughout the negotiations for ad hoc questions on drafting, compliance with public international law and domestic implementation of textual proposals.

**Recommendation**

I recommend that you note the information contained in this minute for the purpose of ERA01/2008.

Noted / Discuss

**Signed by:**

David Fredericks  
Deputy Secretary  
Civil Justice & Legal Services Group

February 2013

**Action Officer:** S47F(1), Senior Legal Officer, S47F(1)