

Process for how a trade deal comes to be

Negotiations announced, DFAT call for submissions (business and community groups) that are published on the website.

Negotiation meetings held (usually over several years). Some very general information is released through DFAT website reports/consultations after meetings, but the details of the text are kept secret.

Business groups often get more detailed information.

Negotiations completed, before **legal scrubbing and translation** of text into relevant languages, which usually takes about two months.

After legal is scrubbing complete, **public signing** takes place. **Cabinet, not parliament, makes the decision to sign it.**

The text is then tabled in parliament for 20 sitting days, and **reviewed by the Joint Standing committee on Treaties (JSCOT)**, but the text cannot be changed.

Because it is a joint committee of the parliament, JSCOT always has a majority of government members.

The review can only recommend for or against the implementing legislation. Parliament does not vote on the whole text of the agreement.

The JSCOT process usually at least takes two months or more.

The JSCOT report by the government majority usually recommends in favour of the implementing legislation.

There can be additional critical remarks or dissenting reports from ALP, Greens and Centre Alliance.

If the deal is big and/or controversial, like the TPP, the majority in the Senate may agree to have a **separate Senate Inquiry**, as occurred with the TPP.

The government does not have a majority on the Senate Inquiry so it can recommend against the implementing legislation, as happened with the first senate inquiry on the TPP-12.

This means the majority in the Senate is likely to vote against the implementing legislation, which is the only way to stop implementation. The government did not put the TPP-12 legislation to the parliament, because the Senate would have voted against it.

If the implementing legislation is passed, Australia exchanges letters of **ratification** (as set out in the agreement) with the other parties, and the **agreement is implemented from the date specified in the ratification process.**