

CHAPTER 16 COOPERATION

Section A: Agriculture, Fisheries and Forestry

ARTICLE 16.1: OBJECTIVE

The objective of this Section is to facilitate bilateral cooperation and explore new cooperative activities between the Parties in the fields of agriculture, fisheries and forestry, building on existing cooperative relationships at the bilateral, regional and multilateral level, in support of mutual economic growth and development.

ARTICLE 16.2: SCOPE

The Parties shall cooperate in areas which may include:

- (a) innovation, research and development;
- (b) agriculture, including primary and processed commodities;
- (c) fisheries and aquaculture;
- (d) forestry;
- (e) sanitary and phytosanitary matters;
- (f) security of food supply; and
- (g) any other areas of cooperation as may be identified and agreed by the Parties.

ARTICLE 16.3: COOPERATIVE ACTIVITIES

The Parties shall promote cooperative activities by the public and private sectors in the fields of agriculture, fisheries and forestry. Cooperative activities may include:

- (a) information exchanges, including exchanging views on relevant policies;
- (b) technical cooperation;
- (c) joint research programs and projects;
- (d) exchanges of experts, researchers, students and relevant professionals;
- (e) conferences, seminars and workshops;
- (f) exchanging views on matters in relation to relevant regional and international bodies;
- (g) collaborative training exercises, in particular for students and graduates from educational institutions in the fields of agriculture, fisheries and forestry;

- (h) promotion of private sector cooperation;
- (i) promotion and facilitation of mutual investment opportunities;
- (j) study visits to farms and related production centres; and
- (k) cooperating in any other fields as may be identified and agreed by the Parties.

ARTICLE 16.4: INNOVATION, RESEARCH AND DEVELOPMENT

1. The Parties, recognising the importance of innovation, research and development to agriculture, fisheries and forestry, shall endeavour, as appropriate, to promote cooperative activities in relevant fields. These activities may include scientific and technological developments in:

- (a) sustainable resource management;
- (b) water management and water use efficiency;
- (c) climate change adaptation and mitigation;
- (d) mitigation of climate-related extremes;
- (e) animal husbandry practices including reproductive technologies, nutrition, and livestock identification and traceability systems;
- (f) productivity enhancements in agriculture, fisheries, forestry and food;
- (g) biosecurity, including farm biosecurity;
- (h) animal and plant disease research;
- (i) biotechnology;
- (j) food safety; and
- (k) any other fields of innovation, research and development as may be identified and agreed by the Parties.

2. The Parties shall endeavour to enhance cooperative partnerships between their research organisations.

ARTICLE 16.5: AGRICULTURE

The Parties, recognising the importance of promoting cooperative relationships between Korean and Australian farmers and agribusinesses, shall undertake cooperative activities on any agricultural matter the Parties agree to be appropriate, including in relation to:

- (a) agricultural industries, including livestock production and processing industries, cropping, horticulture, irrigated agriculture and natural fibre production;
- (b) agricultural reforms and policies;
- (c) agricultural economics;

- (d) generational change and farm succession planning;
- (e) rural development;
- (f) peri-urban and urban agriculture;
- (g) environmental and natural resource economics and management;
- (h) nutrition, including the agronomic and genetic enhancement of plant, animal and human nutrition;
- (i) sustainable and conservation farming techniques; and
- (j) any other agricultural matter as may be identified and agreed by the Parties.

ARTICLE 16.6: FISHERIES AND AQUACULTURE

1. The Parties shall endeavour to cooperate, as appropriate, in the field of fisheries and aquaculture. Areas of cooperation may include exchange of information regarding fisheries, aquaculture and fish resources, including in relation to:

- (a) by catch and the minimisation of adverse impacts of fishing on the marine environment;
- (b) marine pests;
- (c) recreational fishing;
- (d) illegal, unreported and unregulated fishing;
- (e) the impact of climate change on marine ecosystems; and
- (f) fisheries economics and resource management.

2. Other areas of cooperation may be identified and agreed by the Parties. To this end, the Parties shall make their best efforts to establish a fisheries cooperation arrangement within three years after the date of entry into force of this Agreement.

ARTICLE 16.7: FORESTRY

The Parties, recognising the current high level of bilateral cooperation in the field of forestry, shall endeavour to explore opportunities for further cooperation. Areas of cooperation may include:

- (a) promotion of trade in timber resources including logs and woodchips;
- (b) development, utilisation and sustainable management of forest resources;
- (c) the impact of climate change on forestry resources;
- (d) forest fire management and control;
- (e) forest thinning;

- (f) forestry pest control;
- (g) farm forestry;
- (h) combating illegal logging and the associated trade; and
- (i) any other areas of cooperation as may be identified and agreed by the Parties.

ARTICLE 16.8: SANITARY AND PHYTOSANITARY MATTERS

The Parties shall endeavour to cooperate in the areas of human, animal or plant health and food safety. Areas of cooperation may include:

- (a) regional animal and plant disease surveillance;
- (b) animal disease, plant pest and disease prevention and control;
- (c) detection methods for pathogenic micro-organisms in food;
- (d) regulation and control of agri-chemical and veterinary medicine residues and other food safety issues; and
- (e) any other human, animal or plant health and safety issues of mutual interest.

ARTICLE 16.9: SECURITY OF FOOD SUPPLY

1. The Parties recognise the importance of domestic agricultural production and bilateral trade for the maintenance of a stable and reliable food supply and the fulfilment of food security objectives.

2. The Parties shall explore opportunities to cooperate in the area of global food security, including through relevant regional and international fora.

3. Recognising the important role that two-way trade and investment play in achieving long-term food security, the Parties shall, as appropriate, endeavour to promote and facilitate productive and mutually beneficial trade and investment in agriculture and food.

4. In the event of a severe and sustained disruption to supply of staple foods and feed grain, the Parties shall enter into consultations, on request of a Party, through appropriate cooperative mechanisms, which may include the Committee on Agricultural Cooperation, to exchange information on, and to examine the factors relevant to, the situation. The Parties shall endeavour to take any appropriate actions available to them that would contribute to the resolution of the situation through such consultations.

5. In the case of any introduction of a prohibition or restriction on the exportation or sale for export of any agricultural goods produced on a farm established in its territory by a person of the other Party, the Parties shall enter into consultations with a view to giving due consideration at the Committee on Agricultural Cooperation to the effects of such prohibition or restriction and relevant remedies, prior to the actual implementation of any export prohibition or restriction. When an export prohibition or restriction is taken, the Parties shall enter into consultation, on request of a Party, with a view to early recovery of the open market and uninterrupted supply chains.

6. Each Party affirms its commitment to high levels of safety in agricultural exports and recognises consumer demand for high quality food.

ARTICLE 16.10: CONTACT POINTS

1. Each Party shall designate a contact point relating to the operation of this Section. For the purposes of this Section, the contact point shall be:

- (a) for Korea, the Ministry of Agriculture, Food and Rural Affairs, or its successor; and
- (b) for Australia, the Department of Agriculture, or its successor.

2. The contact points shall:

- (a) facilitate the exchange of information relating to this Section;
- (b) coordinate the Committee on Agricultural Cooperation referred to in Article 16.11; and
- (c) facilitate any other communications between the Parties on any matter covered by this Section.

ARTICLE 16.11: COMMITTEE ON AGRICULTURAL COOPERATION

1. The Committee on Agricultural Cooperation established in accordance with Article 21.4 (Committees and Working Groups) shall comprise officials of each Party, including those responsible for agriculture, fisheries and forestry.

2. The functions of the Committee may include:

- (a) reviewing, monitoring and assessing the implementation of this Section;
- (b) making recommendations regarding cooperative activities under this Section, in accordance with the strategic priorities of the Parties;
- (c) discussing, considering and, as appropriate, resolving any matter arising under this Section; and
- (d) any other functions as may be agreed by the Parties.

3. The Committee shall, in principle, meet every year or as otherwise agreed. The date, location, and agenda of each meeting shall be jointly decided through consultations between the contact points.

ARTICLE 16.12: RESOURCES

1. With the aim of contributing to the fulfilment of the objective of this Section, and recognising that cooperative activities as envisaged in the Section will be able to be implemented effectively only when financed with adequate resources, the Parties shall provide, within the limits of their own capacities and through their own channels, adequate resources to support such cooperative activities.

2. Additional details regarding the provision of resources for the specific cooperative activities that the Committee on Agricultural Cooperation identifies and develops as part of its annual work program shall be arranged by the Committee on Agricultural Cooperation.

3. Recognising the importance of maintaining access to stable available resources, the Committee on Agricultural Cooperation shall consider options for securing joint regular funding that could be utilised in implementing its cooperative activities.

Section B: Energy and Mineral Resources

ARTICLE 16.13: OBJECTIVE

The objective of this Section is to affirm and enhance the stable and mutually beneficial cooperative relationship between the Parties in the energy and mineral resources sector.

ARTICLE 16.14: COOPERATIVE ACTIVITIES

1. The Parties shall promote, subject to their respective laws and regulations, cooperative activities by the public and private sectors in the field of energy and mineral resources.

2. Cooperative activities may include:

- (a) joint activities in areas such as research and development in the exploration, extraction, processing, transportation and use of energy and mineral resources, including energy efficiency measures and measures relating to climate change;
- (b) exchanging views on policies relevant to the exploration, extraction, processing, transportation and use of energy and mineral resources, including energy efficiency measures and measures relating to climate change;
- (c) enhanced academic and scientific exchanges relating to the exploration, extraction, processing, transportation and use of energy and mineral resources, including energy efficiency measures and measures relating to climate change; and
- (d) visits and exchanges between the Parties, such as by relevant experts, technicians and leaders in the public, academic and private sectors.

ARTICLE 16.15: PROMOTION AND FACILITATION OF TRADE AND INVESTMENT

1. The Parties shall endeavour to promote, as appropriate, mutually beneficial trade and investment activities in the energy and mineral resources sector.

2. Regarding the energy and mineral resources sector, the Parties may discuss effective ways to:

- (a) encourage investment relating to the exploration, extraction, processing, transportation and use of energy and mineral resources, including in emerging technologies and renewable energy;
- (b) promote the provision and exchange of investment information including information on their respective laws, regulations and policies;

- (c) encourage and support investment promotion activities of each Party; and
- (d) maintain and foster stable, equitable, favourable and transparent conditions for investors.

3. Notwithstanding Article 11.2 (Relation to Other Chapters), in the event of any inconsistency between this Chapter and Chapter 11 (Investment), Chapter 11 shall prevail to the extent of the inconsistency.

ARTICLE 16.16: EXCHANGE OF INFORMATION

The Parties shall exchange information relevant to energy and mineral resources. This exchange of information may include:

- (a) geological data or information about distributions, deposits and development plans of energy and mineral resources;
- (b) information on investment related to the exploration, extraction, processing, transportation and use of energy and mineral resources;
- (c) information on investment opportunities such as tenders, infrastructure development and mining projects;
- (d) information on respective laws, regulations and policies relating to the exploration, extraction, processing, transportation and use of energy and mineral resources, including information related to investment;
- (e) information on mine reclamation technology, environmental management, and other resource management regulations or practices;
- (f) information on current and future trends in the coal, oil, gas, electricity and renewable energy industries;
- (g) information on current and planned infrastructure development related to the exploration, extraction, processing, transportation and use of energy and mineral resources; and
- (h) any other relevant information as agreed by the Parties.

ARTICLE 16.17: SECURITY IN ENERGY AND MINERAL RESOURCES

1. The Parties recognise the importance of energy and mineral resources security and the role that trade, investment and cooperation play in achieving long-term security.

2. In the event of a severe and sustained disruption to supply of a major energy and mineral resource, the Parties shall enter into consultations, on request of a Party, through appropriate cooperative mechanisms, which may include the Committee on Energy and Mineral Resources Cooperation, to exchange information and to explore any appropriate actions available to them that would contribute to the resolution of the situation.

ARTICLE 16.18: CONTACT POINTS

1. Each Party shall designate a contact point relating to the operation of this Section. For the purposes of this Section, the contact point shall be:
 - (a) for Korea, the Ministry of Trade, Industry and Energy, or its successor; and
 - (b) for Australia, the Department of Industry, or its successor.
2. The contact points shall:
 - (a) facilitate the exchange of information relating to this Section;
 - (b) coordinate the Committee on Energy and Mineral Resources Cooperation referred to in Article 16.19; and
 - (c) facilitate any other communications between the Parties on any matter covered by this Section.

ARTICLE 16.19: COMMITTEE ON ENERGY AND MINERAL RESOURCES COOPERATION

1. The Committee on Energy and Mineral Resources Cooperation established in accordance with Article 21.4 (Committees and Working Groups) shall comprise officials of each Party, including those responsible for energy and mineral resources.
2. The functions of the Committee may include:
 - (a) reviewing, monitoring and assessing the implementation of this Section;
 - (b) making recommendations regarding cooperative activities under this Section, in accordance with the strategic priorities of each Party;
 - (c) discussing any matter arising under this Section; and
 - (d) any other functions as agreed by the Parties.
3. The Parties may, by mutual consent, invite representatives of entities with the necessary expertise relevant to the issues to be discussed to participate in the Committee.
4. The Committee shall, in principle, meet every year or as otherwise agreed. The date, location, and agenda of each meeting shall be jointly decided through consultations between the contact points.

ARTICLE 16.20: RESOURCES

1. With the aim of contributing to the fulfilment of the objective of this Section, and recognising that cooperative activities as envisaged in the Section will be able to be implemented effectively only when financed with adequate resources, the Parties shall provide, within the limits of their own capacities and through their own channels, adequate resources to support such cooperative activities.
2. Additional details regarding the provision of resources for the specific cooperative activities that the Committee on Energy and Mineral Resources identifies and develops as part of its annual work program shall be arranged by the Committee on Energy and Mineral Resources.

3. Recognising the importance of maintaining access to stable available resources, the Committee on Energy and Mineral Resources shall consider options for securing joint regular funding that could be utilised in implementing its cooperative activities.

CHAPTER 17

LABOUR

ARTICLE 17.1: GENERAL PRINCIPLES

1. Each Party affirms its obligations as a member of the International Labour Organization (hereinafter referred to as the “ILO”) and its commitments under the Declaration on Fundamental Principles and Rights at Work and its Follow-up (1998) (hereinafter referred to as the “ILO Declaration”). Each Party shall endeavour to adopt or maintain in its laws, regulations, policies and practices the following fundamental principles and rights as stated in the ILO Declaration:

- (a) freedom of association and the effective recognition of the right to collective bargaining;
- (b) the elimination of all forms of forced or compulsory labour;
- (c) the effective abolition of child labour; and
- (d) the elimination of discrimination in respect of employment and occupation.

2. Each Party shall respect the other Party’s right to establish its own policies and national priorities and to adopt and administer its own labour laws, regulations and practices in accordance with those policies and priorities.

3. Neither Party shall fail to enforce its labour laws and regulations, including:

- (a) those it adopts or maintains in accordance with paragraph 1; and
- (b) those adopted to implement ILO instruments that it has ratified,

through a sustained or recurring course of action or inaction, in a manner affecting trade or investment between the Parties. Each Party retains the right to exercise reasonable discretion with respect to investigatory, prosecutorial, regulatory, and compliance matters in the enforcement of its labour laws and to make bona fide decisions regarding the allocation of resources to enforcement.

4. Each Party shall endeavour to ensure that it does not waive or otherwise derogate from, or offer to waive or otherwise derogate from its labour laws, regulations, policies and practices in a manner that weakens or reduces adherence to the fundamental principles and rights referred to in paragraph 1 as an encouragement for trade with the other Party, or as an encouragement for the establishment, acquisition, expansion, or retention of an investment in its territory.

5. Each Party recognises that it is inappropriate to use its labour laws, regulations, practices or policies for trade protectionist purposes.

ARTICLE 17.2: PROCEDURAL GUARANTEES

Any matter relating to this Chapter which arises under Chapter 19 (Transparency) shall be subject to Article 17.4.

ARTICLE 17.3: INSTITUTIONAL MECHANISM

Contact Point

1. Each Party shall designate a contact point for labour matters to facilitate communication between the Parties. For the purposes of this paragraph, the contact point shall be, unless otherwise notified:

- (a) for Korea, the Ministry of Employment and Labor, or its successor;
- (b) for Australia, the Department of Employment, or its successor.

Ad hoc Committee

2. A Party may request the establishment of an *ad hoc* Committee to discuss any matter related to this Chapter by delivering a written request to the contact point of the other Party and the other Party shall give due consideration to the request. The *ad hoc* Committee shall comprise appropriate senior officials from the labour ministry and/or other appropriate agencies and ministries of each Party. The *ad hoc* Committee shall discuss the matter at a time and place agreed to by the Parties⁸⁷.

ARTICLE 17.4: CONSULTATIONS

1. A Party may request consultations with the other Party regarding any matter arising under this Chapter by delivering a written request to the contact point of the other Party. Consultations shall commence promptly after a Party delivers a request for consultations to the contact point of the other Party. The Parties shall make every attempt to arrive at a mutually satisfactory resolution of the matter.

2. If consultations under paragraph 1 fail to resolve the matter, and a Party deems that the matter needs further discussion, that Party may request the establishment of an *ad hoc* Committee under Article 17.3.2 to consider the matter. Where the establishment of such an *ad hoc* Committee is requested under this paragraph, that *ad hoc* Committee shall be established without undue delay and shall endeavour to agree on a resolution of the matter.

ARTICLE 17.5: COOPERATION

1. Recognising the importance of cooperating on trade-related aspects of labour policies in order to achieve the objectives of this Agreement, the Parties commit to enhancing close cooperation through cooperative activities in areas of mutual interest as set out in paragraphs 2 and 3.

2. Areas of cooperation may include, but should not be limited to, labour-management relations, working conditions, occupational safety and health, vocational training and human resources development, and labour statistics.

3. Cooperative activities may include, but should not be limited to, exchanges of people and information, cooperation in relevant regional and international fora⁸⁸, conferences and seminars, development of joint research or collaborative projects, and funding of technical cooperation

⁸⁷ Where convenient, the *ad hoc* Committee may meet at meetings of the ILO or other appropriate international bodies at which both Parties are represented.

⁸⁸ Relevant regional and international fora include ILO government groups such as the Asia-Pacific Government Group and Industrialised Market Economies Group, and the Asia-Pacific Economic Cooperation.

within the ILO with the aim of raising labour standards in the Asia-Pacific region, taking into account each Party's available resources.

ARTICLE 17.6: DISPUTE SETTLEMENT

Neither Party shall have recourse to dispute settlement under this Agreement for any matter arising under this Chapter, including such matters as referred to in Article 17.2.