



ARRANGEMENT

BETWEEN

THE GOVERNMENT OF AUSTRALIA

AND

THE GOVERNMENT OF NEW ZEALAND

**RELATING TO TRANS-TASMAN
REGULATION OF PATENT
ATTORNEYS**

THIS ARRANGEMENT is made BETWEEN:

THE GOVERNMENT OF AUSTRALIA; and

THE GOVERNMENT OF NEW ZEALAND

Hereinafter referred to as the 'Participants'.

PURPOSE

- A. The purpose of this Arrangement is to give effect to a joint regulatory framework for patent attorneys to register and practise between Australia and New Zealand.
- B. The patent attorney profession is a small profession and a significant number of patent attorneys operate in both Australia and New Zealand. The joint regulatory framework is designed to minimise the cost of regulation of patent attorneys in both Australia and New Zealand. The framework is specifically tailored to the patent attorney profession and is not intended to provide a precedent for future trans-Tasman occupational regulation.

OBJECTIVES

- C. The objectives of the Arrangement are to:
 - 1. strengthen the relationship between Australia and New Zealand;
 - 2. provide a joint registration regime for patent attorneys to register and practise in Australia or New Zealand and between Australia and New Zealand;
 - 3. allow economies of scale to be achieved in institutional arrangements for regulating patent attorney services;
 - 4. minimise the regulatory and business compliance costs for patent attorneys to practise in Australia or New Zealand and between Australia and New Zealand;
 - 5. increase business confidence in the quality and standard of service provided by patent attorneys, especially when patent attorneys provide services on a trans-Tasman basis; and
 - 6. facilitate competition in the market for patent attorney services.

UNDERSTANDINGS

- D. This Arrangement records the understandings reached by the Participants. These understandings are confined to matters within the jurisdiction of the Participants.
- E. In entering into this Arrangement, the Participants recognise the mutually beneficial economic and trade framework which has developed under the 1983 Australia-New Zealand Closer Economic Relations Trade Agreement (ANZCERTA) and furthered by the Protocol on Trade in Services to ANZCERTA signed in 1988 and the Trans-Tasman Mutual Recognition Arrangement signed in 1996.
- F. The Participants recognise that this Arrangement gives effect to the corresponding outcome in the principles and outcomes framework to accelerate the achievement of a single economic market agenda, announced by the Australian and New Zealand Prime Ministers in 2009.

PRINCIPLES

- G. Subject to the provisions of this Arrangement, three basic principles relating to the registration of patent attorneys and the governance and discipline of patent attorneys respectively underpin this Arrangement.

1. **Registration**

A joint registration regime will apply in Australia and New Zealand. Only patent attorneys registered by the Designated Manager under the joint registration regime will be permitted to practise as a patent attorney in Australia and New Zealand.

2. **Governance and Discipline**

The regulation of patent attorneys, including the discipline of patent attorneys, will be undertaken by a trans-Tasman governance body and a trans-Tasman disciplinary tribunal established under Australian law and recognised under New Zealand law.

Patent attorneys, legal representatives and witnesses from New Zealand will be able to appear remotely in proceedings before the Disciplinary Tribunal or the Administrative Appeals Tribunal, where leave is given by the relevant Tribunal.

3. **Trans-Tasman Effect**

The decisions of the Designated Manager relating to registration of patent attorneys and the decisions of the governance body and the disciplinary tribunal will take into account the impact those decisions will have on the provision of patent attorney services or the profession in Australia and New Zealand. The outcome of any decisions made will not materially disadvantage the provision of patent attorney services or the profession in Australia or New Zealand.

PART I INTERPRETATION

- 1 In this Arrangement, unless the contrary intention appears or the context otherwise requires:
- (a) “Administrative Appeals Tribunal” means the tribunal established by the *Administrative Appeals Tribunal Act 1975* (Cth).
 - (b) “Appropriate sanction” means one or more of the sanctions that are set out in the Australian Implementing Legislation and include (without limitation) suspending or removing a person from the register of patent attorneys, issuing a public reprimand and directing a person to undertake further professional education.
 - (c) “Australian Implementing Legislation” means the Acts of the Parliament of Australia, and any regulations made under them, that give effect to this Arrangement.
 - (d) “Australian Information Commissioner” has the same meaning as the ‘Australian Information Commissioner’ in the *Australian Information Commissioner Act 2010* (Cth).
 - (e) “Australian Minister” means the Minister of State for the Commonwealth of Australia who administers the *Patents Act 1990* (Cth).
 - (f) “Board” means the governance body to be known as the Trans Tasman IP Attorneys Board.
 - (g) “Designated Manager” has the same meaning as ‘Designated Manager’ in section 200A of the *Patents Act 1990* (Cth).
 - (h) “Disciplinary Tribunal” means the disciplinary tribunal to be known as the Trans-Tasman IP Attorneys Disciplinary Tribunal.
 - (i) “IP Australia” means the prescribed Agency under the *Financial Management and Accountability Act 1997*(Cth) responsible for the finances of the Australian Patent Office.

- (j) “New Zealand Implementing Legislation” means the Acts of the Parliament of New Zealand, and any regulations made under them, that give effect to this Arrangement.
- (j) “New Zealand Minister” means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister of New Zealand, is for the time being responsible for the administration of any Act regulating patent attorneys.
- (k) “Patent attorney services” means the undertaking of any of the following services in Australia or New Zealand for gain—
 - (i) applying for or obtaining a patent in Australia or New Zealand or elsewhere on behalf of another person;
 - (ii) preparing or amending specifications or other documents for the purposes of the patent law of Australia, New Zealand or any other country on behalf of another person; and
 - (iii) giving advice other than of a scientific or technical nature as to the validity of patents or their infringement.
- (l) “Serious Offence” means an offence which is defined as a serious offence in the Australian Implementing Legislation.
- (m) “TTPA regime” means the *Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement*, done at Christchurch 24 July 2008, as implemented in either the *Trans-Tasman Proceedings Act 2010 (Cth)* or the *Trans-Tasman Proceedings Act 2010(NZ)* as the context requires.

PART II IMPLEMENTATION OF ARRANGEMENT

- 2.1 The joint regulatory framework for patent attorneys in Australia and New Zealand will be based on the application in New Zealand of the existing Australian regulatory regime as amended to reflect its new trans-Tasman status as set out in this Arrangement.
- 2.2 The exercise of functions and powers by Australian courts and tribunals in New Zealand under this joint regulatory framework will occur pursuant to the TTPA regime. Australia and New Zealand will endeavour to monitor and review the on-going performance of the TTPA regime for the purposes of the operation of this Arrangement, including as it relates to remote appearances.

- 2.3 The exercise of Australian functions and powers in New Zealand under this joint regulatory framework that cannot occur pursuant to the TTPA regime, including those of the Australian Information Commissioner, will be given effect in the New Zealand Implementing Legislation, which will:
- (a) provide that those powers may be exercised in New Zealand (modelled on relevant provisions of the TTPA regime); and
 - (b) include offence provisions associated with the exercise of those powers that are substantially similar to those under Australian law.

PART III IMPLEMENTING LEGISLATION

- 3.1 The elements of the joint regulatory framework as set out in this Arrangement will be implemented by way of implementing legislation.
- 3.2 As set out in this Arrangement the Australian Implementing Legislation will implement the Arrangement in Australia by, amongst other things—
- (a) establishing a joint registration regime for patent attorneys; and
 - (b) establishing a Designated Manager to administer the register of patent attorneys; and
 - (c) establishing a Board to undertake the functions provided in this Arrangement; and
 - (d) establishing a joint disciplinary regime; and
 - (e) allowing the Board to establish a trans-Tasman code of conduct for registered patent attorneys; and
 - (f) setting knowledge and qualification requirements for registration as a patent attorney; and
 - (g) setting fees in relation to the registration of patent attorneys; and
 - (h) providing for offences in relation to registered patent attorneys; and
 - (i) providing for ancillary matters relating to the regulation of patent attorneys and the implementation of this Arrangement; and
 - (j) providing for any other matters contemplated by this Arrangement.

- 3.3 As set out in this Arrangement the New Zealand Implementing Legislation will implement the Arrangement in New Zealand by, amongst other things—
- (a) recognising the joint registration regime for patent attorneys as applying in New Zealand; and
 - (b) recognising the functions of the Designated Manager and the Board in relation to the registration of patent attorneys as applying in New Zealand; and
 - (c) recognising decisions of the Disciplinary Tribunal as decisions applying to registered patent attorneys in New Zealand; and
 - (d) requiring registered patent attorneys in New Zealand to cooperate with an investigation by the Board into his or her conduct; and
 - (e) providing for substantially similar offences to offences in Australia in relation to patent attorneys and patent attorney services; and
 - (f) providing for ancillary matters relating to the regulation of patent attorneys and the implementation of this Arrangement; and
 - (g) providing for any other matters contemplated by this Arrangement.

PART IV REGISTRATION OF PATENT ATTORNEYS

- 4.1 Under this Arrangement the Participants will adopt a joint registration regime for the regulation of patent attorney services to ensure that only registered patent attorneys may provide patent attorney services in Australia and New Zealand.
- 4.2 Each Participant will ensure the effective implementation, operation, maintenance and enforcement of the registration regime in accordance with the objectives and principles of this Arrangement.
- 4.3 The Australian Implementing Legislation will repeal the residency requirement in relation to patent attorneys and allow a patent attorney to maintain one address for service of notices relating to the attorney's registration (including disciplinary matters). This address may be in Australia or New Zealand.
- 4.4 Australia will make best endeavours to provide electronic registration and renewals, subject to the requirements of the Australian Implementing Legislation. Applications for registration as a patent attorney and for renewal of registration as a patent attorney will be made by post until such time as electronic registration and renewals are available.

- 4.5 The Designated Manager will only register persons as patent attorneys that—
- (a) have the appropriate qualifications (as determined by the Board); and
 - (b) have completed two years work experience to the satisfaction of the Designated Manager; and
 - (c) satisfy the knowledge requirements set in the Australian Implementing Legislation (as determined by the Board); and
 - (d) are fit and proper persons.
- 4.6 The Designated Manager will register New Zealand based companies as incorporated patent attorneys, provided that the companies meet the requirements for registration as set out in the Australian Implementing Legislation.
- 4.7 The Designated Manager will be responsible for maintaining the register of patent attorneys.
- 4.8 The knowledge requirements set in the Australian Implementing Legislation will include an appropriate level of understanding of New Zealand's legal system and protection of intellectual property rights.
- 4.9 A person will be able to access a publically available source of information setting out the details of registered patent attorneys. This information will include:
- (a) whether a person is a registered patent attorney; and
 - (b) the contact address for service of a patent attorney; and
 - (c) whether a registered patent attorney has been found guilty of unsatisfactory professional conduct or professional misconduct by the Disciplinary Tribunal.
- 4.10 The Designated Manager may suspend the registration of a registered patent attorney where the registered patent attorney has been charged with a serious offence in Australia or New Zealand. The suspended patent attorney must be given the opportunity to show cause as to why the suspension should be lifted.

- 4.11 Australia will set fees for registration as a patent attorney and for renewal of that registration, in the Australian Implementing Legislation. The fees will be determined after consultation by IP Australia with all interested parties (including the New Zealand Institute of Patent Attorneys Incorporated and the New Zealand Government Department or Ministry responsible for the administration of patent law in New Zealand). IP Australia will review the fees from time to time.
- 4.12 In determining the most appropriate fees for registration and renewal of registration of patent attorneys, the Director General of IP Australia will consider any relevant guidelines for the setting of fees, including the Australian Government Cost Recovery Guidelines 2005, and the following matters—
- (a) equity, in that funding for particular functions (including administration costs) of the Designated Manager, the Board and the Disciplinary Tribunal, should be sourced from patent attorney candidates and patent attorneys; and
 - (b) efficiency, in that fees should generally be allocated and recovered in order to ensure that maximum benefits are delivered at minimum cost; and
 - (c) justifiability, in that fees should be collected only to meet the reasonable costs of the Designated Manager, the Board and the Disciplinary Tribunal; and
 - (d) transparency, in that fees should be identified and allocated as closely as practicable in relation to tangible provisions of services and functions of the Designated Manager, the Board and the Disciplinary Tribunal.

PART V TRANS – TASMAN IP ATTORNEYS BOARD

- 5.1 The Australian Implementing Legislation will establish a Board that will:
- (a) conduct examinations for patent attorney candidates, or accredit courses of study or examinations (or both) conducted by education providers or professional bodies, as meeting some or all of the knowledge requirements for a person to practise as a patent attorney; and
 - (b) assess qualifications and experience held by candidates for registration against the requirements for registration, and certify candidates as meeting those requirements; and
 - (c) grant exemptions from some or all of the knowledge requirements for candidates seeking registration as a patent attorney who have

completed comparable courses of study to those accredited by the Board; and

- (d) publish information related to the functions of the Board and requirements relating to registered patent attorneys; and
- (e) in addition to the transitional requirements in Paragraph 9.6 of this Arrangement, review and update the trans-Tasman code of conduct when appropriate; and
- (f) receive and investigate complaints (whether from a person in Australia, New Zealand or elsewhere) about, and inquire into the conduct in Australia or New Zealand of registered patent attorneys; and
- (g) inquire into the conduct of a registered patent attorney without receiving a complaint; and
- (h) commence and conduct disciplinary proceedings against a registered patent attorney before the Disciplinary Tribunal; and
- (i) carry out other functions, duties and powers conferred to the Board by the Australian Implementing Legislation.

5.2 In fulfilling its functions under Paragraph 5.1 the Board will take into account New Zealand interests in relation to prospective patent attorneys, including taking into account—

- (a) the appropriate courses of study for persons wishing to undertake study in New Zealand in order to register as a patent attorney; and
- (b) the need for New Zealand educational institutions to be accredited to provide appropriate courses of study in New Zealand.

5.3 The Board will consist of up to 10 members appointed by the Australian Minister as follows:

- (a) the Chairperson who will rotate on a three year basis between a person from Australia and a person from New Zealand; and
- (b) the Director General of IP Australia; and
- (c) the person holding, or carrying out the duties of, the Commissioner of Patents in New Zealand or his or her delegate; and
- (d) at least two other New Zealand representatives of the patent attorney profession at the recommendation of the New Zealand Minister; and
- (e) at least two other suitably qualified members.

- 5.4 The Australian Minister will consult the New Zealand Minister on the appointment of the Chairperson and the other suitably qualified members.
- 5.5 A quorum for any meeting of the Board will consist of a majority of the members of the Board being present at the meeting and must comprise of at least one member from New Zealand.
- 5.6 The Board will determine its own rules of procedure.
- 5.7 Despite Paragraph 5.6 the Board will endeavour to make its decisions by consensus.
- 5.8 The Board will maintain a trans-Tasman code of conduct for all registered patent attorneys. The Board will review and as appropriate amend the trans-Tasman code of conduct. When the Board reviews the trans-Tasman code of conduct it will consult with all interested parties in Australia and New Zealand (including the New Zealand Institute of Patent Attorneys Incorporated and the Intellectual Property Office of New Zealand).
- 5.9 The Chair will report annually to the Australian Minister and the New Zealand Minister on the performance of the Board's functions and responsibilities. The report will include a relevant contribution by the Designated Manager on the administration of the Register.

PART VI DISCIPLINARY TRIBUNAL

- 6.1 The Australian Implementing Legislation will establish a Disciplinary Tribunal which will:
- (a) conduct hearings in relation to the conduct of registered patent attorneys; and
 - (b) determine whether a registered patent attorney is guilty of professional misconduct or unsatisfactory professional conduct; and
 - (c) determine the appropriate sanction for a registered patent attorney who has been found guilty of professional misconduct or unsatisfactory professional conduct.
- 6.2 Each Participant will ensure the effective implementation, operation, maintenance and enforcement of the disciplinary regime in accordance with the objectives and principles of this Arrangement.
- 6.3 The Disciplinary Tribunal will comprise one experienced legal practitioner and two experienced registered or formerly registered patent attorneys appointed by the Australian Minister.

- 6.4 The Disciplinary Tribunal will include at least one person from New Zealand when it is determining a complaint in relation to a registered patent attorney from New Zealand.
- 6.5 A registered patent attorney from New Zealand who is subject to a disciplinary hearing, their legal representatives and witnesses from New Zealand will be able to appear remotely from New Zealand under the TTPA regime.
- 6.6 The Disciplinary Tribunal may sit in New Zealand when a registered patent attorney from New Zealand is subject to a disciplinary hearing.
- 6.7 Where the Disciplinary Tribunal sits in New Zealand, the Disciplinary Tribunal has substantially the same powers and protections as it would if it were sitting in Australia. The powers and protections of the Disciplinary Tribunal will be given effect in the New Zealand Implementing Legislation and the Australian Implementing Legislation.

PART VII ADMINISTRATIVE LAW PROTECTIONS

- 7.1 A registered patent attorney from New Zealand who is the subject of a decision from the Designated Manager, the Board or the Disciplinary Tribunal and any person from New Zealand whose interests are affected by such a decision will be able to apply to the Administrative Appeals Tribunal for a review of that decision.
- 7.2 The decisions that are reviewable by the Administrative Appeals Tribunal are set out in the Australian Implementing Legislation.
- 7.3 A patent attorney from New Zealand and any person whose interests are affected by a decision who has applied to the Administrative Appeals Tribunal for a review of a decision made by the Designated Manager, the Board or the Disciplinary Tribunal, their legal representatives, and any New Zealand witnesses, will be able to appear remotely from New Zealand in any hearings relating to the review of the decision held in Australia. The TTPA regime will apply in relation to remote appearances before the Administrative Appeals Tribunal.
- 7.4 A registered patent attorney from New Zealand and any person who is aggrieved by a decision of the Designated Manager, the Board or the Disciplinary Tribunal will be able to apply for judicial review of that decision in Australia. The TTPA regime applies in relation to remote appearances before an Australian Court for judicial review.

- 7.5 A registered patent attorney who is the subject of a decision from the Designated Manager or the Disciplinary Tribunal will be afforded rights under the freedom of information laws of the Commonwealth of Australia (including the *Freedom of Information Act 1982 (Cth)*), to seek access to documents held by Australian agencies. This would extend to documents held by any New Zealand member of the Disciplinary Tribunal. Certain decisions regarding applications under those laws can be reviewed by the Australian Information Commissioner, in accordance with the functions and powers in the Freedom of Information Act that are conferred on the Commissioner under Australian law. There is also scope to appeal decisions to the Administrative Appeals Tribunal, and from there to a court.
- 7.6 A registered patent attorney who is the subject of a decision from the Designated Manager or the Disciplinary Tribunal will be afforded rights under the privacy laws of the Commonwealth of Australia (including the *Privacy Act 1988 (Cth)*). These laws will also extend to actions of any New Zealand member of the Disciplinary Tribunal. Where those rights are breached, the attorney will be entitled to file a complaint with the Australian Information Commissioner, who will be entitled to investigate the complaint, in accordance with the functions and powers in the Privacy Act that are conferred on the Commissioner under Australian law. Certain decisions regarding applications under those laws can be appealed into the Administrative Appeals Tribunal, and from there to a court.

PART VIII REGISTRATION OF TRADE MARK ATTORNEYS

- 8.1 Any person who is a patent attorney registered in New Zealand at the date of entry into effect of this Arrangement may be entered onto the Australian register of Trade Mark Attorneys provided that person—
- (a) makes an application to do so to the Designated Manager within 12 months of the date of entry into effect of this Arrangement; and
 - (b) pays the prescribed registration fee; and
 - (c) establishes to the satisfaction of the Designated Manager that he or she has a level of competency in trade marks law and practice that is sufficient to warrant the individual becoming a registered trade mark attorney; and
 - (d) is a fit and proper person.

**PART IX
TRANSITIONAL PROVISIONS**

- 9.1 Any person who is registered as a patent attorney in Australia or in New Zealand at the date of entry into effect of this Arrangement is deemed to be registered as a patent attorney under the Australian Implementing Legislation.
- 9.2 Any person in New Zealand who has passed at least one paper (as prescribed in regulation 158 of the Patents Regulations 1954 (NZ)) at the date of entry into effect of this Arrangement will be exempt from needing to hold an academic qualification as set out regulation 20.6 of the Patent Regulations 1991 (Cth).
- 9.3 Any person in New Zealand who has passed at least one paper (as prescribed in regulation 158 of the Patents Regulations 1954 (NZ)) at the date of entry into effect of this Arrangement may for a period of up to four years from the date of entry into effect of this Arrangement—
- (a) continue to sit the papers as prescribed under the Patents Regulations 1954 (NZ); and
 - (b) if all relevant papers are passed, be considered as meeting all the minimum knowledge requirements as prescribed in Schedule 5 of the Patents Regulations 1991 (Cth).
- 9.4 A person who has passed all the papers under the Patents Regulations 1954(NZ), must make an application for registration as a patent attorney to the Designated Manager within six months of receiving written notification that all relevant papers have been passed.
- 9.5 A person must meet the minimum knowledge requirements and the academic requirements as prescribed in Schedule 5 and regulation 20.6 of the Patents Regulations 1991 (Cth) if they do not—
- (a) pass all the papers as prescribed under the Patents Regulations 1954 (NZ) within four years of the entry into effect of this Arrangement; or
 - (b) make an application to the Designated Manager within six months of receiving written notification that all the papers as prescribed under the Patents Regulations 1954 (NZ) have been passed.
- 9.6 Despite Paragraph 9.5 of this Arrangement a person may apply to the Board to cross credit any passed papers under the Patent Attorney Regulations 1954 (NZ) for the purposes of meeting one or more of the minimum knowledge requirements as prescribed in Schedule 5 of the Patents Regulations 1991(Cth). For the avoidance of doubt, this Paragraph does not compel the Board to cross credit any passed papers.

- 9.7 Courses accredited by the Board as meeting some or all of the knowledge requirements for registration as a patent attorney before the commencement of this Arrangement remain accredited after the commencement of this Arrangement until the Board determines otherwise.
- 9.8 The Australian code of conduct in place before the date of entry into effect of this Arrangement will continue in place and apply to the conduct of registered patent attorneys in New Zealand for a period of up to one year after the date of entry into effect of this Arrangement or until the trans-Tasman code of conduct is developed and approved, whichever occurs earlier.
- 9.9 The Board will conclude a review of the existing Australian code of conduct and make any appropriate amendments within one year of the date of entry into effect of this Arrangement.
- 9.10 The fees for registration and for renewal of registration that apply in Australia at the date of entry into effect of this Arrangement will apply for a period of at least two years from the date of entry into effect of this Arrangement.
- 9.11 The Participants will undertake a joint project to review the definition of patent attorney services after 12 months of the date of entry into effect of this Arrangement and within 24 months of the date of entry into effect of this Arrangement.
- 9.12 The New Zealand disciplinary regime under section 102 of the *Patents Act 1953* will continue to apply after this Arrangement comes into effect for actions and behaviours of patent attorneys in New Zealand before the commencement of this Arrangement. In the event that the New Zealand Commissioner of Patents advises the Designated Manager that a New Zealand Court determines that a person should not practise as a patent attorney in New Zealand the Designated Manager will remove that person's name from the trans-Tasman register of patent attorneys.

PART X AMENDMENT OF LEGISLATION

- 10.1 Except as provided for under Paragraphs 4.11, 9.7, 9.8 and 9.9 of this Arrangement a Participant wishing to amend the legislation implementing the Arrangement in its jurisdiction in a way that potentially affects the operation of the Arrangement, will give notice in writing to the other Participant not less than 12 months before the amendment is proposed to be made, advising them of the reasons for the Participants decision to amend its legislation implementing the Arrangement.

- 10.2 The notifying Participant under Paragraph 10.1 may only make the notified amendment if the other Participant approves in writing the substance of the amendment.

**PART XI
COMPLIANCE WITH OTHER LAWS AND REGULATIONS**

- 11.1 This Arrangement is not intended to affect the operation of laws affecting patent attorneys services in force in the jurisdiction of either Participant, except to the extent that such laws are amended to bring into effect the understandings reached in this Arrangement. Examples of such laws that this Arrangement is not intended to affect are laws relating to consumer protection and the regulation of law practitioners.

**PART XII
REVIEW AND AMENDMENT**

- 12.1 The Participants will carry out, no later than five years after this Arrangement has entered into effect, a review of the effectiveness of this Arrangement including a review of the joint registration regime, the Board and the Disciplinary Tribunal with a view to deciding on and implementing any necessary improvements.
- 12.2 This Arrangement may be amended by the mutual written consent of the Participants. Such amendment will enter into effect on a date mutually determined by the Participants.

**PART XIII
RESOLUTION OF DIFFERENCES**

- 13.1 Each Participant will, at the written request of the other, promptly enter into discussions with a view to seeking an early, equitable and mutually satisfactory solution, if the Participant who requested the discussion considers that:
- (a) this Arrangement has not been or is not being fulfilled; or
 - (b) the achievement of any objective or principle of this Arrangement is being or has the potential to be frustrated.

**PART XIV
ENTRY INTO EFFECT AND TERMINATION OF THE
ARRANGEMENT**

- 14.1 This Arrangement will come into effect on the date that the Participants have notified each other through the diplomatic channel that their respective requirements for the entry into effect of this Arrangement have been completed.
- 14.2 This Arrangement will remain in effect until it is terminated. A Participant may terminate this Arrangement by giving notice in writing to the other Participant not less than 24 months before the proposed date of termination, advising the reasons for the Participant's decision to terminate the Arrangement.
- 14.3 This Arrangement may also be terminated by the mutual written consent of the Participants on a date to be mutually determined by the Participants.

For the Government of Australia:

For the Government of New Zealand:

Hon. Greg Combet AM
Minister for Industry and Innovation.

Hon. Craig Foss
Minister of Commerce

Signed March 2013.

Signed March 2013.