

CHAPTER 17

INSTITUTIONAL PROVISIONS

Section A: Joint Commission

Article 17.1: Establishment of the Joint Commission

The Parties hereby establish the Hong Kong, China - Australia Joint Commission (Joint Commission) comprising representatives of each Party at the level of Ministers or senior officials.

Article 17.2: Functions of the Joint Commission

1. The Joint Commission shall:
 - (a) review, consider and, as appropriate, decide on matters relating to the application or implementation of this Agreement or the Investment Agreement;
 - (b) consider any proposal to amend this Agreement or the Investment Agreement;
 - (c) consider issues referred to it by either Party or by any committee or working group established under this Agreement or the Investment Agreement;
 - (d) supervise the work of any committee or working group established under this Agreement or the Investment Agreement;
 - (e) consider any other matter that may affect the operation of this Agreement or the Investment Agreement; and
 - (f) carry out any other function, or take any other action, as the Parties may agree.
2. The Joint Commission may:
 - (a) establish committees and working groups, and refer matters for advice or assign tasks to any committee or working group;
 - (b) further the implementation of the objectives of this Agreement or of the Investment Agreement through implementing arrangements;

- (c) seek to resolve any difference or dispute that may arise regarding the interpretation, implementation or application of this Agreement or the Investment Agreement;
- (d) seek the advice of any non-governmental person or group on any matter falling within its responsibilities where this would assist the Joint Commission in carrying out its functions; and
- (e) issue interpretations of this Agreement or the Investment Agreement.

Article 17.3: Meetings of the Joint Commission

1. Unless the Parties otherwise agree, the Joint Commission shall hold its first meeting within two years of the date of entry into force of this Agreement. Its subsequent meetings shall be held every two years thereafter, or as otherwise mutually determined by the Parties. A Party may request at any time, through a notice in writing to the other Party, that a special meeting of the Joint Commission be held. Such a special meeting shall take place within 60 days of the date of receipt of the request, unless the Parties otherwise agree.

2. The meetings of the Joint Commission shall be held alternately in the Area of each Party or as otherwise mutually determined by the Parties, and shall be chaired by the hosting Party. The meetings may be held by any technological means as mutually determined by the Parties. The Party chairing a meeting of the Joint Commission shall provide any necessary administrative support for the meeting, and shall record any decision taken by the Joint Commission and provide copies of any such decision to the other Party.

3. The Joint Commission shall take decisions on any matter within its functions by agreement.

Article 17.4: General Review

The Parties shall undertake a general review, including matters relating to the implementation or operation of this Agreement or the Investment Agreement, within five years of the date of entry into force of this Agreement and every five years thereafter, or as otherwise mutually determined by the Parties.

Section B: Contact Points

Article 17.5: Contact Points

For the purpose of facilitating communication between the Parties on any matter covered by this Agreement or the Investment Agreement, the following contact points are designated:

- (a) for Australia: the Department of Foreign Affairs and Trade, or its successor;
and
- (b) for Hong Kong, China: the Trade and Industry Department, or its successor.