

**Inquiry into the utilisation of benefits available to
Australian industry and communities from trade,
including under Free Trade Agreements**

**Submission to Joint Standing Committee on Trade and
Investment Growth**

July 2024

Introduction

The Australian Dairy Industry Council (ADIC) and Dairy Australia welcome the opportunity to present this submission to the Joint Standing Committee on Trade and Investment Growth inquiry into the understanding and utilisation of benefits available to Australian industry and communities from trade, including under Free Trade Agreements (FTAs) entered into by the Australian Government.

Dairy is the third largest Australian rural industry and a key sector of the agricultural economy, with a farmgate value of \$6.1 billion and a direct workforce of almost 33,500 across dairy farms and processing. Dairy companies generate approximately AUS\$17 billion in sales. In 2023, 30% of milk production was exported, worth around \$3.7 billion.

Australia is a significant exporter of dairy products. It ranks fifth in terms of world dairy trade, with a five per cent market share behind New Zealand, the European Union (EU), United Kingdom, and the United States (US).

ADIC is the peak national representative body of the Australian dairy industry, representing the interests of dairy farmers and processors through its two constituent bodies, Australian Dairy Farmers (ADF) and the Australian Dairy Products Federation (ADPF). It aims to create a more prosperous and sustainable future for the local industry and the regional communities that rely on it.

Dairy Australia is the national services body for dairy farmers and the industry. Its role is to help farmers adapt to a changing operating environment, and achieve a profitable, sustainable dairy industry. As the industry's Research and Development Corporation, it is the 'investment arm' of the industry, investing in projects that cannot be done efficiently by individual farmers or companies.

The Australian dairy industry strongly advocates for FTAs and optimal outcomes, acknowledging their role in enhancing global competitiveness and contributing to broader societal gains. With significant reliance on exports, FTAs provide crucial market diversification and resilience against economic volatility. The industry actively leverages 18 FTAs to access global markets, ensuring sustainability and economic growth.

FTAs like China-Australia Free Trade Agreement (ChAFTA) and ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) have been pivotal in supporting Australian dairy exports to Asia. Rising consumption and nutritional awareness in Asia present opportunities for Australian dairy products, leveraging geographic proximity, established trade relations and tariff advantages to meet growing demand. India and the Middle East present further trade prospects that could be leveraged by the Australian dairy industry should commercially meaningful outcomes be achieved for dairy products under the Australia-India Economic Cooperation Agreement and the Australia-UAE Comprehensive Economic Partnership Agreement.

Despite their benefits, complexities such as administrative burdens, varying rules of origin, and non-tariff barriers, and more recently environmental sustainability practices, challenge effective FTA utilisation.

Recognising the importance of FTAs to the economic sustainability of the dairy industry, the Australian dairy industry seeks Government support for the following:

1. Commercially meaningful outcomes: Achieve commercially meaningful outcomes for Australian dairy products in ongoing FTA negotiations.
2. Regular FTA reviews: Acknowledge that FTAs are not a panacea; their benefits depend on the comparative advantages of competing nations. Therefore, regular reviews of FTAs are essential to sustain Australia's competitiveness.
3. JAEPA Review: Urge Japanese counterparts to make progress on a review of the Japan-Australia Economic Partnership Agreement (JAEPA).
4. Market access improvement: Ensure existing market access is enhanced and Australia's competitive position is enhanced in future Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) accessions.
5. Strategic negotiations: Engage in careful and strategic negotiations to protect national interests while seeking beneficial trading opportunities for priority markets.
6. Taiwan market access: Encourage the Australian Government to continue to explore and pursue avenues to enhance market access for Australian Dairy Products into Taiwan.

1. Level of understanding of social and economic benefits provided by Free-Trade Agreements

The Australian dairy industry has consistently advocated for free and fair trade, recognising the economic and social benefits that FTAs bring. These benefits include enhancing the industry's global competitiveness and contributing to broader societal gains.

Exports are critical to the economic sustainability of the industry. Milk production in Australia exceeds the volume required for domestic consumption, with surplus product destined for export markets. Australia exports approximately 30% of its milk production, with exports valued at \$3.7 billion in 2022-23. The Australian dairy industry operates in an open and internationally competitive market and the industry proactively leverages trade opportunities presented by FTAs to access a diverse range of markets. This provides resilience against market volatility and ensures there is not an over-reliance on the highly concentrated domestic market or traditional export markets.

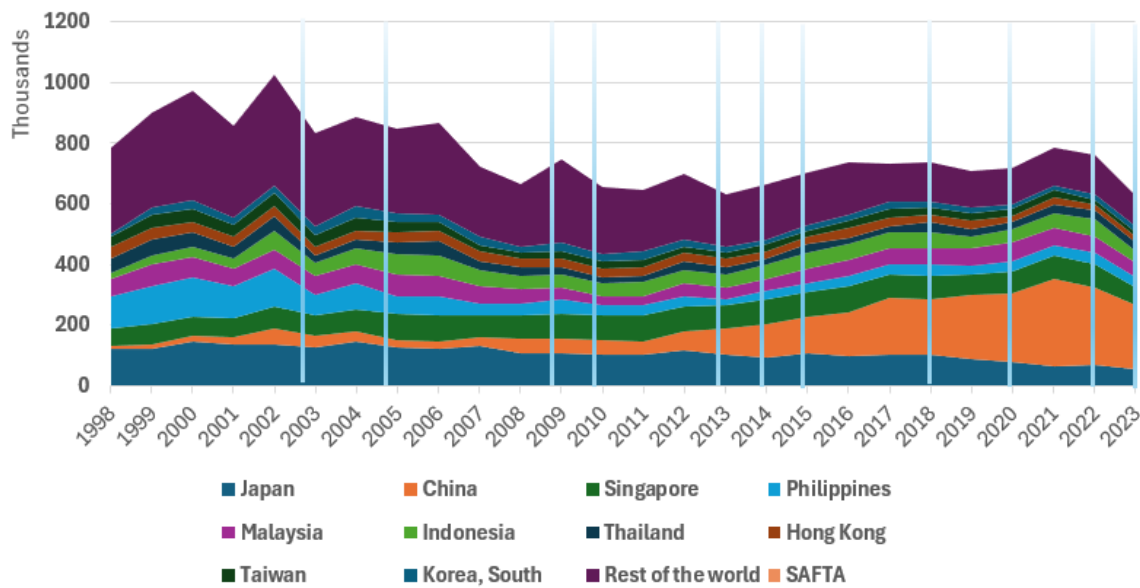
The Australian dairy industry benefits from 18 active FTAs, as shown in the table below.

Free-Trade Agreement	Date entered into by Australia
Australia-New Zealand (ANCERTA)	1 January 1983
Singapore-Australia Free-Trade Agreement (SAFTA)	28 July 2003
Australia-United States Free-Trade Agreement (AUSFTA)	1 January 2005
Thailand-Australia Free-Trade Agreement (TAFTA)	1 January 2005
Australia-Chile Free-Trade Agreement (ACI-FTA)	6 March 2009
ASEAN-Australia-New Zealand (AANZFTA)	1 January 2010
Malaysia-Australia Free-Trade Agreement (MAFTA)	1 January 2013
Korea-Australia Free-Trade Agreement (KAFTA)	12 December 2014
Japan-Australia Economic Partnership Agreement (JAPEPA)	15 January 2015
China-Australia Free-Trade Agreement (ChAFTA)	20 December 2015
Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP)	30 December 2018
Australia-Hong Kong Free-Trade Agreement (A-HKFTA)	17 January 2020
Peru-Australia Free-Trade Agreement (PAFTA)	11 February 2020
Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA)	5 July 2020
Pacific Agreement on Closer Economic Relations (PACER) Plus	13 December 2020
Regional Comprehensive economic Partnership Agreement (RCEP)	1 January 2022
Australia-India Economic Cooperation and Trade Agreement (ECTA)	29 December 2022
Australia-United Kingdom Free Trade Agreement (A-UKFTA)	31 May 2023

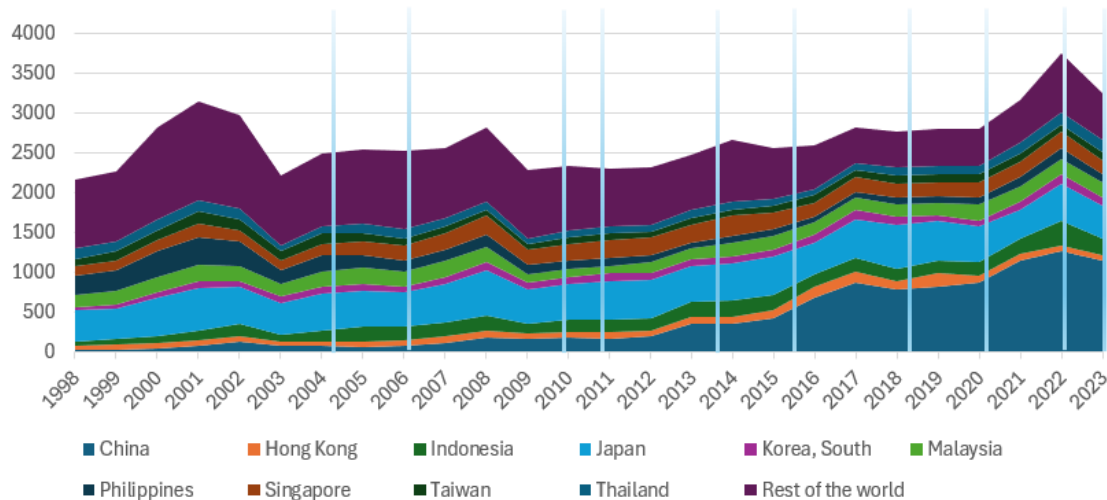
Dairy export data since the five years preceding the first FTA Australia signed outside of the Australia-New Zealand Closer Economic Relations Trade Agreement in 1983, has shown that FTAs have played a pivotal role in reshaping Australia's dairy export landscape in terms of export destinations and export commodities. Notwithstanding other drivers such as global population growth, exchange rates, global dairy prices, domestic production within importing countries and the Australian milk pool, data indicates that Australia has been able to capitalise on premiums offered by certain markets and has diversified its product mixes since entering into FTAs with its major dairy markets. The charts below show Australian dairy export volumes and values, by market and by commodity. The vertical lines correlate to FTAs entering into force.

The charts below show how Australia’s dairy exports to China rapidly increased in both volume and value following the signing of ChAFTA in 2015, illustrating that China is a major and lucrative market for Australian dairy products. Conversely, the charts show a decrease in dairy exports to countries outside Australia’s top 10 export markets, suggesting a strategic focus on more profitable or high-demand markets, likely driven in part by the tariff reductions provided by FTAs. The data also shows that while dairy export volumes to Japan have declined, values have been steady since the signing of JAEPA and CPTPPP in 2015 and 2018 respectively, demonstrating that Australia may have shifted to exporting more high-value products facilitated by the favourable terms established by JAEPA and CPTPPP.

Australian dairy export volumes (tonnes) by market



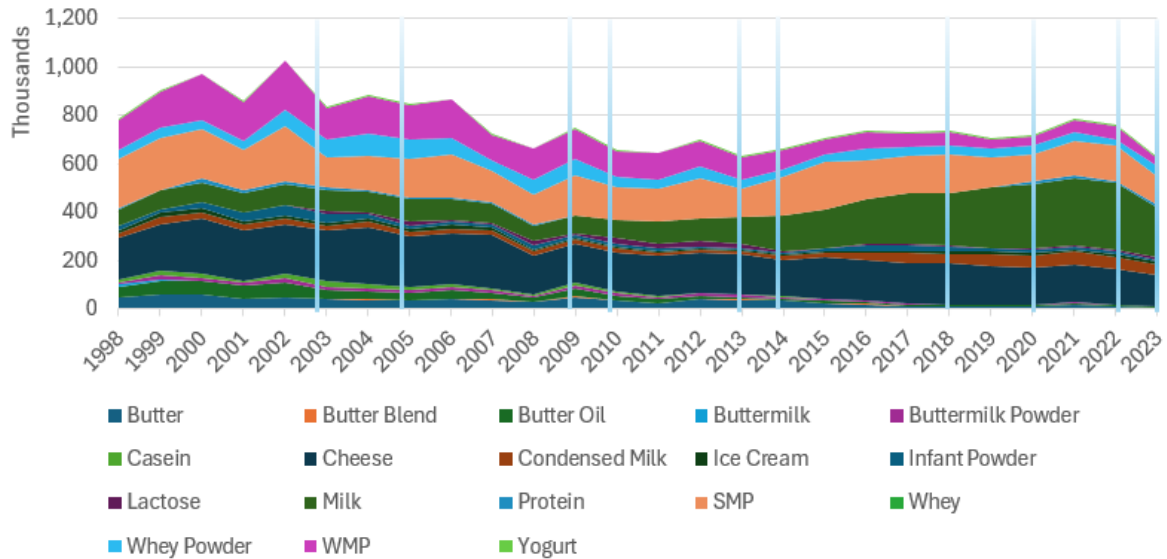
Australian dairy export values by market



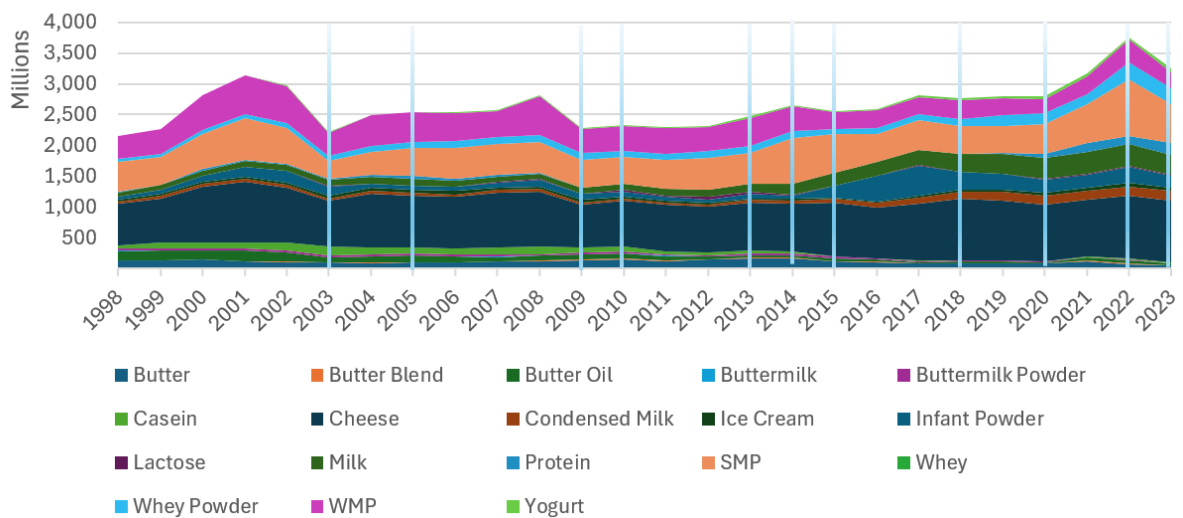
On the other hand, the chart below shows the impact of FTAs on Australia’s dairy product export commodities by volume and value. These graphs demonstrate that since entering into major FTAs, Australia has expanded its range of exported dairy products, not only increasing the volume directed to certain markets, but also exporting premium-value products. Of note, is the increased value of infant powder particularly since 2015 which coincides with the signing of ChAFTA. Despite a decrease in the volume of exported cheese, its value has remained relatively stable.

This consistency can be attributed to the tariff reductions facilitated by FTAs with several of Australia’s top dairy export destinations. These agreements have allowed Australian producers to maintain price premiums in markets where consumers value quality and are willing to pay higher prices for imported cheese.

Australian dairy export volumes (tonnes) by product group



Australian dairy export value by product group



Dairy is Australia's third-largest rural industry and is spread across eight unique dairying regions throughout Australia. As a major regional employer, the Australian dairy industry is acutely aware of the social benefits that FTAs provide. In 2022-23 approximately 33,500 people were directly employed on dairy farms and by dairy processing companies. Employment connected to the industry is represented in associated transport, distribution, farm services, and in research and development activities. For dairy exports, further employment opportunities are presented through export logistics including jobs in transportation, warehousing, and export services to support the industry’s international trade activities. FTAs play a crucial role in sustaining and increasing employment in the Australian dairy industry by boosting export opportunities, thereby securing the livelihoods of thousands of Australians, particularly in regional areas.

However, a measured approach to FTA negotiation is essential. For instance, the Australia-EU FTA negotiations were particularly contentious for the Australian Dairy Industry due to the EU's efforts to impose its overly restrictive and anti-competitive geographical indications (GIs) regime on Australian dairy processors. These GIs aimed to restrict the use of certain common food names by Australian dairy companies, such as “feta”, “parmesan” and “haloumi” which have long been used generically outside of Europe. The EU's demands raised significant concerns within Australia's dairy industry, as complying with these restrictions could have forced Australian processors to rebrand their products, potentially leading to considerable economic losses, estimated at up to \$95 million annually and market disruption. Many Australian processors, including cheese makers, brought their skills from Europe as migrants to Australia, forming part of Australia's rich migration story. The EU's GI campaign threatened to undermine this cultural diversity and disregard the preferences of these communities. Additionally, such changes could have confused consumers and diminished the brand equity that Australian dairy companies had built over the years. The risk of poor social and economic outcomes for the Australian dairy sector **underscores the need for careful, strategic negotiation to protect national interests while seeking beneficial trade opportunities.**

2. Uptake of economic benefits created by Free-Trade Agreements

FTAs with key Asian export markets, particularly ChAFTA and AANZFTA, have supported trade to lucrative markets in Asia, where rising consumption outpaces local production. This demand can help provide dairy processors with a greater range of buyers and thus more competition for Australian produced dairy products and therefore Australian milk.

Asian markets are in the early stages of their dairy consumption journey. Historically, dairy hasn't been a significant part of traditional Asian diets and per capita consumption of dairy is still low on a global scale. Economic development, changing lifestyles, and an increased awareness of the nutritional benefits of dairy are driving the rising consumption of dairy products in Asia.

Increasing awareness of the nutritional benefit of dairy has been illustrated through incoming Indonesian President, Prabowo Subianto's election commitment to provide free lunches and milk to over 82 million students nationwide from preschool to senior high school. It is estimated that Indonesia's annual milk demand would rise from 4.6 million tonnes to 8.7 million tonnes. Indonesia produces dairy but is reliant on imports to meet demand.

In 2022-23 Indonesia imported 550,000 tonnes of dairy product, worth close to \$2.9 billion. While there is strong competition from New Zealand, US and the EU, Australian dairy products have an exemplary reputation for quality and are well known amongst dairy importers, processors, and distributors. The milk program presents an opportunity for the Australian dairy industry to support Indonesia in meeting its demand for milk. Australia's geographic proximity, longstanding trade relations, and favourable tariff arrangements with Indonesia position it as an ideal partner to fulfill this need.

Trade to the Indonesia and the broader Southeast Asian region is well-supported by several free-trade agreements. The ASEAN-Australia-New Zealand Free Trade Agreement (AANZFTA) was signed in 2009 and has eliminated many of the remaining tariffs on bilateral agreements that were already in force. The Southeast Asia region is a significant market for Australian dairy. In 2023, the total volume of trade to the region was 236,000 tonnes valued at \$959 million AUD. By volume, Singapore is Australia's largest dairy export market in the region. However, Indonesia is Australia's highest value market in the region and Australia's third largest dairy export market by value, behind China and Japan.

From a tariff perspective Australia maintains a competitive advantage in most Southeast Asian markets over the US and the EU, with a few exceptions. Both the US and EU have concluded free trade agreements with Singapore, and the EU has a free-trade agreement in place with Vietnam. These agreements have reduced Australia's relative advantage in those specific markets.

Additionally, Australia and New Zealand share a common free-trade agreement within the region through AANZFTA, meaning Australia does not have a distinct advantage over New Zealand in Southeast Asia as both countries are equally covered.

Australia is positioned to compete effectively with the US and the EU in China because of favourable agreements secured by the Australian Government under ChAFTA. However, compared to New Zealand, which has its own FTA with China signed in 2008, Australia lacks a comparative advantage. The New Zealand-China Free Trade Agreement provided New Zealand with significant commercial advantage through lower dairy tariffs and was updated in 2022 to maintain duty-free access for all dairy products as well as the removal of a milk powder safeguard, which came into effect on 1 January 2024. It is critical to recognise that the uptake of economic benefits stemming from FTAs needs to be considered alongside the competitive advantage they afford Australian exporters compared to rival exporting countries.

A significant gap in Australia's FTA portfolio is the absence of an FTA with Taiwan. Unlike Australia, New Zealand has derived substantial benefits from the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation (ANZTEC), which took effect in December 2013. Since 2021, an impressive 99.6% of goods exported from New Zealand to Taiwan have been free of tariffs, with a remaining duty on liquid milk scheduled to be eliminated by 2025.

This agreement has not only boosted New Zealand's exports but has also strengthened its economic ties with Taiwan and trade competitiveness. Considering these developments, the Australian dairy industry **asks the Australian Government to continue to explore and pursue avenues to complete a bilateral free trade agreement with Taiwan**. Such an agreement could significantly improve Australia's competitive advantage in the growing Taiwanese market.

To secure access to tariffs that offer optimal competitive advantage and therefore yield the highest economic benefit, **the Australian dairy industry seeks favourable outcomes from the Australian Government for dairy products in current FTA negotiations**, notably the AIECA and AUAE-CEPA.

3. Barriers to benefits created by Free-Trade Agreements

While FTAs can offer significant benefits, there are several impediments that can affect their utilisation and effectiveness. One significant barrier is the administrative burden associated with some FTAs. This is exacerbated by the complex network of overlapping and intersecting FTAs among countries particularly in the Asia-Pacific region, sometimes referred to as the "noodle bowl of FTAs". To qualify for FTA benefits, businesses must often provide extensive documentation proving that their goods meet the necessary criteria, which can be cumbersome and costly, particularly as different FTAs have different rules and certification requirements even for the same trading partner. This is especially challenging for small and medium-sized businesses that may lack the resources to manage these requirements effectively.

Rules of origin requirements add a particular layer of complexity. Different FTAs may have varying definitions for the conditions under which a product is produced within the FTA region and therefore eligible for preferential treatment.

Some FTAs may stipulate that a certain percentage of a product's components originate from within the FTA region or require goods to have undergone substantial transformation within the FTA region, to be eligible. It is possible to encounter inconsistencies in processes between FTAs even when dealing with the same trading partner.

For example, to export cheese to Japan under CPTPP Australian exporters can self-certify that products meet the rules of origin criteria specified in the agreement and this is valid for one year and applies to multiple shipments of identical goods. In contrast, under JAEPA, self-certification is available but requires importers, exporters or producers to complete an Origin Certification Document which applies only to a single consignment. These rules can be difficult to comply with, limiting the ability of businesses to take full advantage of FTAs.

Additionally, businesses may not be aware of the FTAs in place or understand how to leverage them due to a lack of information and expertise, further limiting their ability to benefit from these agreements. To assist the Australian dairy industry in navigating trade agreements for Australia's top 10 export markets, Dairy Australia regularly publishes a Trade Agreement Comparison guide, which provides dairy product exporters with information on how Australia's tariffs compare to other suppliers in key dairy export markets.

These complexities are often compounded by non-tariff barriers such as overly burdensome export establishment registrations and prescriptive food safety standards that can pose significant obstacles despite the elimination of tariffs. For example, the A-UK FTA, effective since 2023, promised Australian exporters immediate access to a duty-free quota of 24,000MT for cheese, along with the gradual elimination of dairy tariffs over a span of five years. However, despite these favourable terms, there has been minimal noteworthy trade to the UK since the agreement's commencement. This lack of significant trade activity can be attributed to the UK's adherence to EU requirements for dairy imports since Brexit. Specifically, the UK's alignment with EU standards necessitates rigorous testing for every tanker of dairy received at processing facilities. Consequently, for producers who rely on purchasing dairy ingredients from other processors to manufacture products, complying with these testing requirements proves to be impractical and challenging.

Most importantly, the advantages of FTAs are contingent upon the comparative advantages enjoyed by competing nations. While FTAs can initially provide Australian exporters with preferential access to markets, these benefits are often transient rather than permanent solutions.

Over time, as other countries negotiate their own FTAs with the same trading partners, the competitive landscape can shift, potentially eroding the advantages previously gained. For instance, agreements like JAEPA and the KAFTA have demonstrated how competitors can negotiate similar or better terms, leveling the playing field for all participants or potentially putting Australia at a disadvantage.

Japan is Australia's second largest dairy export market and our largest cheese export market in both value and volume terms. Australia is a key dairy supplier into the Japanese dairy market along with New Zealand, the European Union and the US. JAEPA entered into force in January 2015 and was the first trade agreement that Japan had completed with a major dairy exporting country. Since then, Japan has entered CPTPP, which includes New Zealand as a member, as well as the EU-Japan Economic Partnership Agreement and the US-Japan Trade Agreement. These agreements grant New Zealand and the US the same benefits as Australia, while the EU enjoys better tariff and quota advantages compared to Australia.

Another point of concern is the local content requirements that JAEPA imposes whereby 'Natural Cheese for Processing', must meet a domestic cheese content ratio requirement of 1-part Japanese produced cheese to 3.5 parts imported Australian cheese to enter Japan at 0% tariff under a quota. Alternatively, 'Natural Cheese for Processing' can be entered under the non-country specific 'Pooled Quota' at 0% tariff but at a less favourable domestic cheese content ratio of 1-part Japanese produced cheese to 2 parts imported cheese.

Japanese customers report that sourcing domestic cheese is increasingly challenging and expensive due to declining domestic production. This is particularly the case for those customers that do not manufacture cheese in Japan and must source it from competitors. Demand for Australian product continues to be strong, but Australian market share is slipping against cheaper EU product, which is in effect subsidised. Under the terms of the JAEPA agreement there were scheduled reviews of Agricultural Market Access in Year 5 (2020) and a General Review in year 6 (2021). We are now in Year 9 of the agreement and the review have still not taken place. These reviews provide enormous opportunities for the Australian dairy industry to safeguard our strong historical positioning in this crucial market and correct some the gaps that JAEPA failed to address. The Australian dairy industry recognises that strong political support will be required if the reviews are to genuinely advance its interests in Japan. Therefore, it **seeks support from the Australian government to urge their Japanese counterparts to make progress on a JAEPA review.**

KAFTA entered into force in 2014 and did not provide Australian dairy exporters with any comparative advantage over major competitors. It was negotiated after the US and EU had secured their FTAs which had allowed them to establish favourable terms. KAFTA excludes milk powders while imposing comparatively smaller quotas. New Zealand, which negotiated its FTA after KAFTA, secured provisions for milk powders and larger quotas, giving them a significant advantage in the Korean market. Moreover, KAFTA lacks review mechanisms, meaning there are no built-in processes for revisiting and potentially revising the terms of the agreement to address emerging issues or changing market conditions.

Regarding plurilateral FTAs like the CPTPP, the Australian dairy industry supports expanding membership but highlights two issues from the UK's accession in March 2023 that should be addressed to protect Australia's negotiating position in future accessions. Firstly, Australia did not seek further market access from the UK during its CPTPP accession. The reason for this was apparently due to Australia and the United Kingdom recently concluding their bilateral FTA and both parties being relatively satisfied with the level of ambition and outcomes secured within that agreement, setting a concerning precedent. Future members with existing bilateral FTAs might not need to offer improved market access, which is troubling given South Korea's intent to join CPTPP and Australia's competitive disadvantage there compared to the EU, US, and New Zealand. Secondly, the UK's accession has diluted market access for existing members like Australia because treaty-wide tariff rate quotas (TRQs) in Japan, Canada, and Malaysia are now available to UK suppliers. Despite this concern being raised, no TRQ adjustments were made by Japan, Canada, and Malaysia to accommodate the UK while preserving Australia's and other members' market access. To address these issues, the Australian dairy **industry urges the government to ensure that existing market access is improved, and Australia's competitive position is enhanced in future CPTPP accessions.** Notably, a prerequisite for accession countries should be that they pay for the right through improved market access conditions. This would safeguard Australia's interests and ensure that new members contribute positively to the trade environment, rather than diluting the benefits for existing members. Ensuring robust and fair market access conditions will protect Australia's economic interests and maintain its competitive edge in the global marketplace.

It is crucial to anticipate the potential future inclusion of sustainability in FTAs and prepare both defensively and offensively. Currently, sustainability in agriculture is not regulated or standardised by any multilateral agreement, such as under Codex Alimentarius. However, there is a possibility that trading partners may incorporate sustainability requirements into FTAs, linking them to trade liberalisation. For example, a partner might mandate specific labelling or compositional standards to ensure agricultural products are sustainably sourced to qualify for tariff reductions.

Given the varied definitions of sustainability in the public domain, it is important to establish a clear and precise definition. It would be beneficial to align any sustainability requirements with the United Nations Sustainable Development Goals, similar to the approach of the Australian Dairy Sustainability Framework (ADSF), which enhances the sustainability of the Australian dairy industry through clear goal setting and progress reporting. The Australian dairy industry recognises the importance of sustainability and sees an opportunity to leverage its achievements through the ADSF.

However, it also cautions negotiators to remain vigilant to ensure that sustainability does not become a barrier to trade liberalisation or a non-tariff barrier itself.

FTAs are not a standalone solution and do not automatically provide Australian exporters with an advantage. To sustain the benefits derived from FTAs, continuous negotiation and policy adjustments are imperative. The Australian Government must proactively adapt to evolving global trade dynamics through ongoing negotiations and policy updates. This approach ensures exporters remain competitive and seize emerging opportunities in the ever-changing international trade environment.

4. Monitoring and measuring utilisation of Free-Trade Agreements

Currently, the Australian Government does not provide any reporting on the utilisation of FTAs. However, the Australian dairy industry would greatly benefit from comprehensive reporting from the government regarding the utilisation of FTAs, particularly in markets where multiple FTAs are concurrently in effect. This type of reporting would offer clear insights into which FTAs are actively utilised by exporters. Such transparency is essential for verifying whether the barriers discussed in the previous section are influencing exporters to prioritise certain FTAs over others.

5. Dairy industry's collaboration with Government to promote trade benefits under FTAs.

The Australian dairy industry has a longstanding history of close collaboration with the government during FTA negotiations to achieve optimal outcomes for the Australian dairy industry. We are confident the Australian Government recognises the mutual benefits of this collaboration.

Similarly, the dairy industry seeks to highlight the quality of engagement from the Department of Foreign Affairs and Trade and the Department of Agriculture, Fisheries and Forestry during FTA negotiations. We express our gratitude to the Australian Government for its proactive and frequent engagement, particularly during negotiations of contentious issues affecting the Australian dairy industry in recent FTAs, such as the Australia-EU FTA.

The constructive relationship between the dairy industry and government agencies has been instrumental in ensuring that the unique needs and concerns of the Australian dairy sector are effectively represented and addressed in trade agreements.

We look forward to continuing this productive partnership with the government, ensuring that future trade agreements further strengthen the competitive position of the Australian dairy industry in the global market. By working together, the dairy industry and the government can continue to achieve significant benefits for the sector and the broader Australian economy.

Conclusion

The Australian dairy industry steadfastly supports the principles of free and fair trade, recognising the substantial economic and social benefits facilitated by FTAs. These agreements play a crucial role in enhancing the industry's global competitiveness and contributing to broader societal prosperity. With approximately 30% of Australia's milk production earmarked for export, valued at \$3.7 billion in 2022-23, FTAs are pivotal in sustaining market diversification and resilience amid global economic fluctuations.

The Australian dairy industry's active engagement with 18 active FTAs underscores its commitment to leveraging trade opportunities effectively. However, challenges such as regulatory complexities and competitive pressures necessitate ongoing government support and strategic negotiation to safeguard Australia's interests and maximise the benefits of FTAs. The Australian dairy industry remains dedicated to collaborating closely with the government to navigate these complexities and ensure that Australian dairy continues to thrive in international markets.

Yours sincerely,



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