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# BOLETIM BRAZIL

**BRAZIL'S NEW E-VISA  
FOR AUSTRALIANS**

**ECONOMIC REFORM IN BRAZIL**

**BRAZILIANS: COMING TO A  
FARM NEAR YOU**

**LAWS OF BRAZIL UPDATE**

LARGO DO PAISSANDU SAO PAULO BRAZIL

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# PRESIDENT'S REPORT FOR 2017

Dear ABCC members. I am very pleased to bring you this year's President's Report at a time of general recovery in the Brazil economy, the continuation of the deepening of relations and business ties between Australia and Brazil, and a significant improvement in the financial well-being of the Australia Brazil Business Council.

2016 / 2017 has been a year of high activity for the ABCC across the country resulting in increased member numbers, increased member service and events and much improved financial performance of the Chamber.

We started the financial year by welcoming both the Australian Ambassador to Brazil, HE Ambassador John Richardson, and the Brazilian Ambassador to Australia, HE Ambassador Manuel Innocencio De Lacerda Santos Jr., as Honorary Directors to the ABCC. This combined honour and wonderful level of support that we received from them both during the year is an indication of the important role that ABCC is seen to play in furthering the bilateral business relationship between Brazil and Australia.

Most exciting during the year from a membership point of view was the return of both Qantas and LATAM Airlines as Corporate members of the ABCC. Both airlines provide the tangible reality of how improving the people-to-people connections through increased travel connections leads to improved business outcomes for both countries – connectivity matters in our increasingly globalised world.



**ROB GRANT  
PRESIDENT**

Member services were also significantly increased in number and quality during the last financial year. I am particularly proud of the quality and content of our "Boletim Brasil" – the ABCC's quarterly newsletter. We are very grateful for all the positive feedback we have had and look forward to expanding the value offering of "BB" to members over the months to come.

The ABCC's "Mix@6" events in Melbourne, Sydney and Brisbane have proved to be equally popular and are a great way for members and friends to meet on a regular basis for both a social and business catch up. Our member-only formal speaker and board room events during the year have provided members with access to news and leaders directly relevant to their industries and business aspirations.

Finally, I would like to acknowledge and thank the tireless work of our ABCC directors: Cristina Talacko, Rodrigo de Luca, Flavia Ribeiro de Souza, Evelynne Wilton, Richard Hancock, Anna White, Felipe Araujo, Fabiano Deffenti, Luis Alexio and to welcome Anna Carusi who was elected as our Western Australia Director at the October AGM. It is a great honour to serve as ABCC President and lead this amazing team of directors who have worked tirelessly to achieve our successes in 2017 and I very much look forward to working with the ABCC in 2018, as we deliver on our vision of creating Australia's pre-eminent business chamber serving the exciting Latin America market.

On behalf of the ABCC, I wish all our members a safe and happy festive season and we look forward to connecting with you further at our ABCC events in 2018.

Rob Grant, **President, ABCC**

This is a modified version of the report delivered at the ABCC AGM on 27 October 2017 by Rob Grant, ABCC President.





## Brazil's New E-Visa for Australians

**FABIANO DEFFENTI AND ANNA WHITE**

As of November 2017, Australian citizens have become the first visitors to Brazil who can use a new online platform to apply for a Brazilian e-visa. The new electronic visa will next be rolled out to US, Canadian and Japanese citizens in January 2018 as part of substantial changes to Brazil's new migration law and the "Brazil: More Tourism" initiative of the Minister for Tourism of Brazil, **Mr Marx Beltrão**.

The application is much cheaper (US\$40) and quicker than the traditional process involving a paper application lodged through Brazil's embassies and consulates and which could take three or four weeks. The e-visa program includes applications for the following visa categories:

- Business;
- Tourism;
- Transit;
- Journalism;
- Sport activities;
- Artistic activities;
- Seminars or conferences; and
- Cultural programs.



His Excellency Mr Manuel Innocencio de Lacerda Santos Júnior, Mr Marx Beltrão, Minister for Tourism of Brazil and Consul-General of Brazil in Sydney, Mr Carlos de Abreu at the launch of the e-visa in Sydney in November 2017

Photo by Brazil Connection



The Brazilian government opted to use the services of VFS.Global, a well-known e-visa processing provider which is expected to prove particularly helpful during the implementation phase.

"Our two countries have everything to gain from the intensification of the flow of tourists," Minister Beltrão said during his recent visit to Sydney to launch the e-visa.

"With Brazilian tourism ratings at a high and 95% of international tourists intending to return, the new electronic visa means there is one less obstacle for Australians wanting to enjoy what Brazil has to offer."

Minister Beltrão has been actively promoting Brazilian tourism since taking office in 2016. "I consider this to be a strategic move, given the immense potential that Brazil presents," he says. In April 2017, he launched "Brazil: More Tourism" to foster new approaches to stimulate the travel industry in Brazil.

Reflecting on the Australia-Brazil relationship during the recent November launch, Consul-General of Brazil in Sydney, **Mr Carlos de Abreu** said "It's such a healthy relationship – one based on shared values, principles, and mutual respect. And now it has brought to Australia the Brazilian Minister for Tourism, Marx Beltrão. Minister Beltrão is the father and the pioneer of the Brazilian electronic visa program and the main promoter of the Brazilian tourism industry – one of the pillars of the present renewal economic growth cycle in Brazil, a country that has become the sixth largest recipient of foreign direct investment in the world."

- *The authors thank the Consulate General of Brazil in Sydney for their input to this article.*



# Agritech Tours with Quadrant Australia

BY ALEX HUNTER, BUSINESS DEVELOPMENT MANAGER, QUADRANT AUSTRALIA  
[WWW.QUADRANTAUSTRALIA.COM](http://WWW.QUADRANTAUSTRALIA.COM)



Quadrant Australia has been operating specialist agricultural technical tours within Australia and around the world for over 30 years. We have hosted Brazilian delegations to Australia since the early 1990s. The main industries of interest for Brazilian groups are sugar, cotton, cropping, beef and dairy. Our agricultural tours provide visitors with the opportunity to learn about Australian agriculture, meet industry leaders and visit benchmark operations.

Our Australian farmers and agribusiness hosts recognise the benefit in opening their doors to like-minded overseas visitors. It provides opportunities for a frank exchange of ideas and experiences. Quadrant's agtours are a well proven vehicle for visitors and hosts alike to keep abreast of global farming changes, production and technological advancement, and possible trade opportunities.

We can assist you with bespoke tours for international agricultural industry delegations, partner with Australian agribusinesses to develop itineraries, programs and services for domestic industry events, or plan study tours or trade missions overseas for Australian groups. We are members of the Agricultural Tour Operators International (ATOI), a network of 70+ companies including representatives from Brazil. Earlier this year, two of our senior managers travelled to Brazil to meet with Austrade Brazil, visit clients and past passengers, as part of our continuous business development.



Last month, our company director, Ross Keane escorted a group of 17 Australians on the **South American Beef and Ag Tour**, spending 7 days on tour in Brazil. They visited several leading cattle producers and the JBS Swift processing facility in Lins.

This tour will depart again next year on 16 November. Ross has a long association with the Australia red meat industry. He was a Company Director of JBS Australia for a two-year term up until 2009. He is currently Chairman of the Red Meat Industry body, Safemeat Partners, which represents all industry sectors ensuring Australia's food safety in Export and Domestic Markets. Ross is also chair of the EMIAC - Export Meat Industry Advisory Committee.

Large Brazilian delegations are expected to visit **Beef Australia 2018**, 6 – 12 May. Held triennially in Rockhampton QLD, it is the industry's largest national showcase event attracting visitors worldwide. It is highly regarded for its **International Handshakes Program**, which may be of interest to ABCC members. Individuals from South America or interested ABCC representatives are encouraged to join **our Beef Australia Latin Tour**, escorted by Quadrant's highly experienced tour manager, Kees van Haasteren, who has an extensive agricultural knowledge and speaks both Portuguese and Spanish. Alternatively, bespoke tours can be developed for groups attending Beef Australia by our Inbound team.



# ECONOMIC REFORM IN BRAZIL

BY JOHN RICHARDSON,  
AUSTRALIAN AMBASSADOR TO BRAZIL

**In amongst the seemingly constant corruption scandals in Brazil, it is easy to lose track of how significant a reform agenda the Temer government has carried through despite its many political difficulties. These reforms are making it easier to do business in Brazil and suggest it may be timely for Australian businesses to consider again their potential engagement in the world's 7th largest economy (PPP).**



The reforms include a substantial labour reform package; successive privatisation packages; sales of exploration rights to two pre-salt and one post salt region; proposed Gas to Grow liquefied natural gas infrastructure initiatives, changes to the Mining Code; a constitutional amendment to limit government spending to inflation for the next twenty years; proposed pension reform; and reduced subsidies to industry

The last edition of the ABCC newsletter included an excellent article by Fabiano Deffenti on the changes to the Labour Law in Brazil. These changes will go some way to freeing up the Brazilian labour market and making it easier and more cost-effective to employ people; it will also give employees more personal flexibility in the workplace.

Infrastructure privatisation has been a particularly important focus. The National Confederation of Industry (CNI) estimates that with the most recent round of privatisations, the number of airport concessions will increase from 10 to 14, covering some 74% of total passengers; and private sector ownership of electricity generation will increase from 65% to 88% of total generation (Australian-managed Pacific Hydro won the largest of the four plants on offer – the 1.71GW São Simão facility) and that of transmission from 39% to 77%. Private sector participation in roads will increase from 15% to 19% of federal roads and in sewerage, the private sector share will increase from 9.3% of the market to 29%, covering 1600 municipalities.

Another important area has been the opening up of oil production with Petrobras no longer required to be the majority partner in pre-salt exploration consortiums. This has seen strong interest from foreign companies in the two rounds of lease bids with Australia's Karoon Gas the successful bidder in September for a 171 km offshore block in the Santos Basin in Santa Catarina State.

Reforms to Brazil's mining framework aim to make it more efficient and attractive to foreign investment and include the creation of the National Mining Agency and significant changes to the royalty system. Unfortunately the government has yet to implement the planned opening up of the Frontier Zone (a 150km deep corridor on Brazil's borders) to foreign exploration or investment. Similarly the "Gas to Grow" program is intended to reform the gas market and integrate it better with the electricity sector. The government hopes to attract significant investment in the order of 50 billion reais with regulatory reforms and an improved taxation regime, leading to a tripling in production by 2030.

The constitutional amendment to limit the growth in government expenditure in all areas to a maximum of the inflation rate of the previous year is a key measure to bring Brazil's spiralling fiscal deficit under control but has already been under a lot of pressure as the government has sought to build political support for other parts of its reform agenda.

Similarly the proposed reforms to the pension system which is one of the more generous ones globally, have seen compromises which would reduce the 10 year savings from 600bn to 480bn BRL. On the other hand, the government has been successful in cutting back subsidies to industry through cheap finance from the state development bank, the BNDES. With lending rates at one time half the Central Bank's benchmark rate, subsidies from the treasury to the BNDES totalled 116bn reais between 2009 and 2016 according to the EIU. BNDES now lends at a small margin over the cost of its funds, which in a reform in September will be indexed to five-year government bond rates. The impact of this reform will also flow through to the effectiveness of monetary policy and has facilitated the fall in official interest rates from 13% a year ago to 7% currently. This in turn will help small and medium sized companies, which were not generally the recipients of the BNDES loans.

The results of these efforts are now being reflected in the modest recovery underway. Data from November 2017 suggests marginally stronger than expected growth. The IMF has increased its 2017 real GDP projection from 0.2% to 0.3%, but decreased its 2018 forecast to 1.3% (both represent though a fall in per capita income) while the government is forecasting growth of 2.6% next year. Industrial production is expected to grow 2.73% in 2018, higher than the October projection of 2.5%.

While the Temer Administration's reform agenda is highly contentious within Brazil, there is an increasing public sentiment that Brazil would benefit from opening up to trade and an understanding of the necessity of moving away from the historically protectionist approach to economic policy. Australia is increasingly used as a case study of positive regulatory and economic policy reform. The exponential growth in the number of Brazilian students and professionals visiting Australia is resulting in a generation of future leaders with strong ties to Australia. It is an exciting time for people to people, research, business and government partnerships; all vital for bilateral economic opportunities.

No-one would suggest that Brazil is an easy environment for investors; it has a heavy bureaucracy and a taxation regime that is mind-boggling in its complexity. These factors among others drive its Ease of Doing Business position to a dismal 125th globally. Nevertheless, Australian companies with a global reach are succeeding here, with Brazil the fifteenth largest destination for Australian FDI, larger than for example in India, Thailand, Korea or the rest of Latin America. With the economy starting to rebound, a continuing reform agenda in place, and a domestic market with relatively high purchasing power levels, Brazil may now be worth another look.



# ABRUEM DELEGATION

## **Associação Brasileira dos Reitores das Universidades Estaduais e Municipais**

By Niclas Jönsson, Counsellor (Education & Science)  
 Latin America, Department of Education, Australian  
 Government

The education and research relationship between Australia and Brazil is going through a period of rapid expansion. In the last few years the number of Brazilian students at Australian education institutions have doubled and we expect to see about 25,000 Brazilian student travel to Australia in 2017. This is in addition to the 100,000 Brazilian students that came to Australia over the last 20 years. The number of bi-lateral university agreements grew from 84 in 2014 to 110 in 2016 and has been growing steadily since.

It was against this backdrop of rapidly increasing engagement and awareness of collaboration opportunities that a delegation of 16 Brazilian vice-chancellors and deputy vice-chancellors visited Australia in October. The delegation visited Brisbane, Sydney and Canberra before arriving in Melbourne where they participated in a two-day program organised by Trade Victoria. The Victorian leg was the most intensive of the two-week visit and commenced with a briefing by Trade Victoria about the importance and impact of international education on the state. University visits took place at Deakin, La Trobe, RMIT, and Victoria University where opportunities to build and extend collaborations were discussed.

The delegation found the visit to Victoria very interesting, especially in regard to how higher education can be used as an economic driver for the entire community. The final Friday evening was greeted with great excitement as the delegation began to wind down, reflect and enjoy themselves at the networking event organised by the Australia Brazil Chamber of Commerce, which was attended by His Excellency Manuel Innocencio de Lacerda Santos Jr and members and friends of the Australia Brazil Chamber of Commerce.





# *Brazilians - Coming to a Farm Near You?*

BY GREG WALLIS, CONSUL-GENERAL AND  
SENIOR TRADE COMMISSIONER,  
AUSTRALIAN TRADE AND INVESTMENT  
COMMISSION (AUSTRADE)

**Foreign investment in agriculture in Australia is essential for regional development, increased sector productivity and building agricultural export markets. Historically, investment in Australian agriculture has come from the USA and the UK. Now China is becoming a more important player. Although not to the same extent, another country that has invested in agribusiness in Australia is Brazil.**

Brazil's rise to agricultural superpower status has been underpinned by rapidly increasing efficiency in the utilisation of production factors, particularly land and labour. The lessons of the transformation of this tropical region are particularly relevant for Australia as it contemplates the agricultural development of northern Australia. And new Brazilian technology in the sector is highly regarded. The country has more than 200 agricultural start-ups, two of which are ranked in Forbes 25 Most Innovative Global Agtech listing.

Brazil was named, along with Australia and North America (USA and Canada), as one of the most prospective agricultural investment destinations. But given its agricultural might, it is not surprising that Brazil is not only a destination for agricultural FDI, it is increasingly a source of it. The stock of Brazilian agribusiness FDI abroad has grown, from a modest base, by a factor of 17 in the past ten years. Australia is also now in the sights of a number of companies, particularly those that want to participate in the Asian middle class consumer boom.

Brazil already exports almost half of its agricultural produce to Asia, however access into Asian markets is hampered by sanitary and regulatory constraints. Brazil can't sell its beef into three of Australia's biggest markets in the region - Japan, Korea and Indonesia. So the entry point pitch resonates for Brazilian processors who want to sell a premium product to Asia - by producing them in Australia.



But selling beef to Asia is only part of the story. The opportunity exists across the protein and cropping production chains, not just for produce. Austrade in São Paulo has identified and is now working with 20 Brazilian companies that are in various stages of contemplating investment in the agribusiness sector in Australia. These are mostly mid-size companies that produce biopesticides, animal health and nutrition, fertilizers and crop protection products. They believe they have developed world leading agricultural technology and expertise that can contribute to increased farm productivity, and that Australia is the right place to expand their global presence. They are right on both counts. Three Brazilian companies participated in the Northern Australia Investment Forum (NAIF) held in Cairns in November at the invitation of Austrade. And there are more on the way.





By Fabiano Deffenti  
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### **Federal Revenue Department's Private Ruling confirms that most taxes are not payable on commissions to foreign agents**

On 10 December 2017, Brazil's **Federal Revenue Department's ("RFB's") Private Ruling DISIT/SRRF06 6,603/2017** was published addressing the applicable taxes on commissions payable to foreign agents of Brazilian companies. The ruling confirmed that:

- **Withholding income tax ("IRRF")** is zero rated, unless the beneficiary of the commissions is located in a tax haven (if that is the case, the rate will be 25%);
- the **Contribution on the Intervention on the Economic Domain ("CIDE")** is not charged on the payment of commissions; and
- **PIS-Import and COFINS-Import** are payable.

For the benefits above to apply the commissions must be for export sales and be registered on the export registration document (registro de exportação, known as the "RE"). Note that in certain circumstances the benefits may be available for market research conducted abroad, foreign trade fairs outside of Brazil and advertising published in other countries.

### **Withholding income tax on foreign educational, scientific or cultural services**

On 21 November 2017, the Brazilian **Federal Revenue Department** (Receita Federal do Brasil, "RFB") published **Private Ruling 519/2017** which addresses the charging of withholding income tax on educational, scientific or cultural services provided by foreign companies.

Specifically, the Ruling states that the availability of electronic content on the internet, via paid subscription, will be taxed as a service. However, based on a specific legislative exemption the RFB found that no withholding income tax would be payable if all of the following applies:

- the payment is made by a Federal public institution;
- the institution provides training to Brazilian teachers;
- the services supplied to the institution are for the "scientific and technological development" of Brazil; and
- the payment is made for online access to periodicals and databases relating to the institution's activities.



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Further, the RFB ruled that the constitutional immunity applicable to books, newspapers and periodicals does not apply to withholding income tax is a tax charged on the business rather than on the things supplied or imported (i.e. books and related materials). Further information on this topic can be found [here](#).

## New State Sales Tax (ICMS) regulations for digital goods

On 5 October 2017, the National Council of Fiscal Policy (Conselho Nacional de Política Fazendária, "CONFAZ") issued its first regulations on the charging of State **Sales Tax** ("ICMS") on transactions involving digital goods. This includes software, applications, electronic files, electronic games and similar goods. **Agreement 106/2017** was ratified by all States and the Federal District on 26 October 2017

According to the Agreement, ICMS will be paid on importations and internal sales to the final consumer, which are deemed to occur when the data is transferred to the purchaser. ICMS will be payable even if payment is made on an ongoing basis (rather than one-off purchases).

The party that controls the website or electronic platform that carries out the sale or "makes the goods available" will be deemed to be the taxpayer and may need to register with the relevant State or the Federal District – this was intentionally left to be decided by the State entitled to charge the tax. Moreover, the States will have the discretion impose the obligation to withhold the applicable ICMS on any of the following:

- the entity that offers, sells or delivers the digital good to consumers;
- the party responsible for arranging payment (such as a credit card company);
- the purchaser of the digital good if the taxpayer is not registered in the State where the party that will use the digital good is located;
- the credit or debit card company or the entity responsible for the currency exchange in the case of digital goods being imported.

Due to the existing constitutional constraints on the power of the States to tax services (other than transport and communication services), software that is provided as an actual service ("SaaS") will likely fall outside of the scope of the Agreement and will not be affected by it. The new rules will apply from **1 April 2018**.

## Brazil takes further steps towards meeting OECD requirements

On 10 November 2017, Brazil's Chamber of Foreign Trade (Câmara de Comércio Exterior, known as "CAMEX") passed a new resolution (Resolution 88/2017) regarding a new requirement to be imposed on Brazilian exporters who request subsidised financing, credit insurance and interest rates equalisation. This is another step towards greater levels of compliance demanded from Brazilian businesses, especially in relation to the prevention of corrupt acts.

The Resolution expressly recognises Brazil's obligations as a party to the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and provides that as a condition for obtaining support from the Brazilian government, an exporter must now supply a formal declaration (which, if false, is subject to criminal penalties) stating:

1. that it is aware of the crimes against the foreign public administration provided in articles 337-B and 337-C of the Brazilian Penal Code;
2. that it is aware that article 2nd of Federal Law 846 of 1 August 2013, provides for strict liability, at administrative and civil levels, of legal entities that carry out acts damaging to domestic and/or foreign public administrations;
3. that the exporter or the individual and/or legal entity that represents it and/or acted on its behalf or for its benefit did not carry out and that it undertakes not to carry out corruption practices in the [t]ransaction;

## LAWS OF BRAZIL UPDATE By Fabiano Deffenti

4. that it will communicate to **(the National Bank for Economic and Social Development (BNDES)/the Brazilian Agency for the Management of Guarantee Funds and Guarantees/Banco do Brasil)** any supervening fact that changes or compromises [the] Declaration, including whether it and/or any person or legal entity representing it in [the] [t]ransaction is being charged or, in the period of the last five years preceding requesting official support, has been convicted in court or sanctioned by equivalent administrative measures by national or foreign public authorities, as a result of violation of laws against corruption of foreign public officials;

5. that, if requested, it will identify and discriminate the individual and/or legal entities acting on its behalf [...] in the [t]ransaction referred to in [the] Declaration, as well as the payment of any professional fees, commissions and charges;

6. that it is aware that, once official support has been granted, if corruption is proven in the [t]ransaction by administrative or court decision capable of enforcement, the measures applicable to the [e]xporter shall be taken, which may include, among others, suspension of official support, the obligation to reimburse all amounts that have been made available and/or the non-granting of official support for new transactions for the term and conditions established by current legislation, taking into account the terms of an agreement of leniency possibly signed by the [e]xporter with respect to the same acts and facts;

7. that it will implement or improve the system of internal controls, with clear and precise accounting policies that allow verification and proportionality and reasonableness of payments made to individuals and/or legal entities that represent and/or act for their interest or benefit, in order to identify any illegal transactions;

8. that it will inform its employees of the existence of national legislation – set out in paragraphs 1 and 2 above – that punishes individuals and/or legal entities in the criminal, civil and administrative levels for corruption; and

9. that it will implement or improve its integrity program, including internal mechanisms of integrity, auditing and reporting of illegalities and the effective application of code of ethics and conduct, with a view to detecting and combating corrupt practices.

Finally, it affirms that it is aware that the intentional falsity in relation to the terms of [the] [d]eclaration amounts, without prejudice of any other possible crimes, to the crime provided under article 299 of the **Brazilian Penal Code**".

Brazil's move towards trying to become a member of the OECD, together with the various corruption scandals that have been part of Brazil's everyday life in the last several years, has brought greater emphasis on companies taking actual steps to prevent corrupt acts. It is hoped that these measures will not be limited to mere paperwork, but that corrupt practices will be drastically reduced as a consequence.

The Resolution is already in force.



### Advertising Opportunity

If you would like to advertise your business in our next edition of our newsletter or you have any interesting articles that relates to Australia-Brazil trade feel free to email us.

[info@australiabrazilchamber.com](mailto:info@australiabrazilchamber.com)



# Our events



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# Become a Member



The Australia Brazil  
Chamber of Commerce Inc.

## MEMBERSHIP BENEFITS AND SERVICES

The ABCC assists members in identification of:

- Goods and services in Brazil
- Business and investment opportunities.
- Suppliers, buyers, potential partners in Brazil and Australia.
- Information on taxes, customs, freight and legal issues.
- Market Research.

## Providing members with:

- Seminars, background information, business events and briefings by Australian government trade officials and visiting representatives from Brazil and Australia.
- Inward and outward Trade Missions and official visits.
- Participation in Trade Fairs and Exhibitions.
- Quarterly newsletter featuring updates on many issues including Trade, Economy, Politics, Education, Sport, Legal, Mining, Agribusiness, Environment and Culture.
- Regular business e-newsletters.

Online application

[www.australiabrazilchamber.com](http://www.australiabrazilchamber.com)

- Periodic reports on new products, taxation and business practices.
- Letter of introduction to relevant Chamber of Commerce, prior to visit to Brazil or Australia.
- Chamber representation in commercial and trade forums and government briefings.
- Events to provide networking opportunities with potential business partners in trade and commerce in Australia and in association with other Latin American Chambers of Commerce