



**Australian Government**  
**Attorney-General's Department**

MC16-143958

11 January 2017

Mr Harold E Patricoff  
Shutts & Bowen LLP  
200 South Biscayne Boulevard  
MIAMI  
By email: [hpatricoff@shutts.com](mailto:hpatricoff@shutts.com)

Dear Mr Patricoff

**APR Energy**

I refer to your letter dated 30 November 2016, which you advise operates as a notice of dispute under the Australia – United States Free Trade Agreement (AUSFTA) in relation to allegations made by APR Energy.

The Australian Government does not consider that APR Energy has jurisdiction to bring a dispute under AUSFTA, or any other international agreement, in relation to this matter. Furthermore, the Government is confident that, in all respects, it has complied with its obligations under AUSFTA. Any loss incurred by APR Energy is a direct result of APR Energy's failure to exercise due diligence regarding existing requirements of Australian securities law.

Accordingly, the Government respectfully refuses your request to conduct negotiations to resolve this dispute.

Yours sincerely

A handwritten signature in blue ink that reads 'J Reid'.

John Reid  
First Assistant Secretary  
Office of International Law

Telephone: (02) 6141 3554  
Email: [john.reid@ag.gov.au](mailto:john.reid@ag.gov.au)