



## **BULLETIN: September 2016**

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### **Introduction**

A Senate inquiry has been called into the TPP thanks to months of tireless campaigning by our member organisations and supporters. This will give us another opportunity to have our voices heard.

Labor, the Greens and Nick Xenophon have a majority in the Senate so the TPP can be defeated.

The Senate inquiry will not report until February 2017. This is important because it means the Australian government cannot push through the implementing legislation before it is considered by the US Congress.

Also this month we heard the disturbing revelation that the US is pressuring Australia to add even stronger monopolies on lifesaving biologics medicines into the TPP, apparently in order to gain the Republican numbers it needs to pass the TPP through the US congress in a lame-duck session after the election.

The government-dominated Joint Standing Committee on Treaties hearings on the TPP begin on Monday September 26 in Sydney and there will be a rally outside the hearing at 1 Bligh Street, Sydney at 12:30 PM. We will let you know about events being planned for hearings in Perth, October 5, Melbourne, October 7 and Canberra October 17.

## Take Action: visit your Labor MP or Senator now!

If Labor joins The Greens, the Nick Xenophon Team and other minor parties in voting against the TPP legislation in the Senate, the Government won't be able to ratify the agreement. **That means the Labor party has the power to stop the TPP.**

We need your help to drive the message home.

An in-person visit is the single most powerful way you can influence your representative.

We've put together a step-by-step guide to visiting your MP -

[Download your TPP MP kit here.](#)

Please contact us if you are planning on organising a visit so we can link you up with other supporters in your area who may want to come along.

## Stop the TPP rally Sydney, September 26, 12.30 pm 1 Bligh St

**RALLY TO STOP THE TPP**

The TPP expands corporate power at the expense of access to medicines, workers' rights and the environment.

Join us and rally outside the Sydney hearing of the National Parliamentary inquiry into the TPP.

**12.30 PM  
MON SEPT 26  
1 BLIGH ST SYDNEY**

aftinet.org.au

The National Parliamentary inquiry into the Trans-Pacific Partnership trade deal between Australia, the US and 10 other Pacific Rim countries will be in Sydney on September 26.

The Inquiry is holding public hearings and will report before Parliament votes on the TPP implementing legislation.

The Government does not have a majority in the Senate and the TPP can be blocked if Labor, the Greens and the Nick Xenophon team vote against it.

**Time:** 12.30pm - 1.30pm, Monday September 26

**Place:** Outside the Commonwealth Parliamentary Offices at 1 Bligh St, Sydney

**Bring:** TPP signs and placards

[Download the event flyer here](#)

## Other events in October: Canberra, Perth and online

### Online forum, Oct 18:

#### Lives on the line: Mega trade deals, corporate power and access to medicines

The Trans-Pacific Partnership (TPP) gives stronger monopolies to pharmaceutical companies resulting in higher prices for medicines, which is bad for Australia and even worse for developing countries. It also allows corporations to bypass national courts and sue governments for millions of dollars if they object to health and environmental laws.

Now there's an even bigger trade deal on the horizon with the same proposals. The Regional Comprehensive Economic Partnership (RCEP).

The RCEP is being negotiated by the 10 ASEAN countries plus China, India, Japan, South Korea, Australia and New Zealand

So what exactly is the RCEP and what could it mean for access to lifesaving medicines in the Asia Pacific?

**Tune in to our interactive online forum from 5 - 5.30pm on Tuesday, October 18**

*Speakers:*

Dr Patricia Ranauld, AFTINET Convener

Jon Edwards, Advocacy Manager for Doctors Without Borders (MSF)

Access is via our [Facebook page](#) and no registration is required. You will be able to participate in the discussion or ask questions by leaving a comment on our page.

This event is part of an international RCEP week of action.

### TPP Parliamentary Forum: Canberra, Oct 11

AFTINET is holding a forum in Parliament on the TPP as part of our lobbying efforts at 12-1.30pm at Senate Committee Room 2S3. Pat Ranauld (AFTINET), Ged Kearney (ACTU) and Michael Moore (Public Health Association) will be speaking.

A pass is required before the public can enter Parliament House. If you wish to attend, please email [Joseph.Quick@aph.gov.au](mailto:Joseph.Quick@aph.gov.au) to arrange for a pass.

### AFTINET speaks at Unions WA International Conference: Perth, Oct 15

AFTINET convener Pat Ranauld will be speaking about the TPP and RCEP at the unions WA conference on global inequality. Visit [www.unionswa.com.au/international\\_conference](http://www.unionswa.com.au/international_conference) for more information.

**Time:** 9am – 4pm, Saturday October 15

**Place:** State School Teachers Union WA, 150-152 Adelaide Tce East Perth

## Victory: calls for Senate inquiry answered!



Sixty diverse Australian civil society organisations, representing two million Australians, recently wrote to all Labor, independent and minor party MPs and Senators to [call](#) for a Senate inquiry into the TPP.

The inquiry was moved jointly by the Greens and the Nick Xenophon Team, and supported by the ALP. Read our media release [here](#).

This is a big victory for our campaign and gives us an opportunity to have our voices heard by a Senate committee, which will be more critical of the deal than the Government-

majority Joint Standing Committee on Treaties (JSCOT). The committee is likely to meet in the week of October 10 to call for submissions.

The inquiry will report in February 2017. The timing is important because it means the Australian government cannot push through the implementing legislation before it has been considered by the U.S. Congress. Both US presidential candidates are opposed, and so far there is majority opposition in the Congress. The TPP cannot proceed if the US fails to pass the implementing legislation.

Despite their positive trade policy platform, Labor has not yet made any decision about how they will vote when the TPP legislation comes through Parliament. A senate inquiry will both delay the vote in Parliament and help to bring the TPP into focus.

Thanks to all our member organisations who endorsed the letter and the many individuals that have supported our calls to action.

## US pushes for stronger TPP monopolies for lifesaving biologic drugs

According to recent media reports the US is pushing Australia to agree to increase monopoly rights for lifesaving biologics drugs in the TPP.

The current TPP text extends monopolies on expensive biologic drugs used to treat cancer and other serious diseases from five to eight years, delaying availability of cheaper versions of those drugs. Those three extra years are already bad enough and have formed a key part of AFTINET's [campaign](#) against the current TPP. We have repeatedly pointed out that each year cheaper versions of medicines are delayed from entering the market would [cost the PBS](#) hundreds of millions of dollars.

According to [Bloomberg](#), Republican Orrin Hatch from the US Senate Finance Committee said that he wants 12 years' data protection for biologic drugs as a condition for supporting the TPP in Congress.

He said the US administration was “making progress” in talks with Australia and other TPP countries to find a way to further increase data protection for biologics drugs and had talked with Australian trade minister Steven Ciobo.

Senator Hatch said: “They're going to have to find a way of having the countries agree to change that formality in the TPP to 12 years... If Australia wants to be part of it, they have to meet our terms.”

Hatch is also [reported](#) to have predicted that the TPP will pass through Congress this year if Australia changes its stance on biologic drugs.

As AFTINET Convener Dr Patricia Randal told the [media](#), this latest demand from the US “is outrageous and should be rejected. It highlights the flaws in the TPP, which is not about free trade, but is about the extension of monopolies and corporate rights.”

## **Fiji follows PNG's lead and withdraws from PACER-plus**

The PACER-plus agreement between Pacific Island nations plus Australia and New Zealand is in turmoil after Fiji followed the lead of Papua New Guinea and [announced its withdrawal](#) from the negotiations. The news means the loss of the Pacific's two biggest economies, and overshadows [recent reports](#) that the legal text of the agreement had been finalised. However, market access negotiations are still pending, with the aim of completing the agreement by the end of the year.

Fiji's trade minister cited a lack of flexibility from Australia and New Zealand and the non-binding nature of the labour mobility and development clauses of Pacer Plus as reasons for the decision. Fiji had [previously complained](#) that Pacific negotiators were being "strong armed" by Australia and New Zealand to agree on the text at a recent ministerial meeting in Christchurch.

Recently former trade advisor to the Pacific Islands Forum secretariat Professor Roman Grynberg said Pacific parliaments [should not ratify](#) the proposed PACER-plus deal because so little was gained. He went so far as to call for the Pacific officials who negotiated it to be sacked.

## **India negotiations stall with focus on RCEP**

Trade Minister Steve Ciobo has [called a pause and review](#) of the bilateral trade deal the government is negotiating with India.

It appears that India has been reluctant to reduce tariffs for Australia because it wants to retain its bargaining power for the much bigger [Regional Comprehensive Economic Partnership](#) (RCEP).

The delay is welcome news, especially in the light of recent discoveries of deadly asbestos from imported materials on a number of projects in Australia. India is the second biggest manufacturer of products with asbestos, and the CFMEU construction union recently [called for a halt](#) to the bilateral trade talks until there were better protections to prevent imports of asbestos products.

However, this will be an issue during ongoing RCEP negotiations, which include both India and China. The aim is now to finish RCEP negotiations mid-2017 and the next negotiating rounds are scheduled for October and December 2016.

Other major issues we will be keeping an eye on as RCEP negotiations progress are TPP-like proposals on ISDS, medicine monopolies and movement of temporary workers.

Civil society organisations in the Asia Pacific, including AFTINET, are advocating for greater transparency throughout the RCEP negotiations. Recently, more than sixty civil society organisations covering all sixteen RCEP countries [called for meaningful stakeholder engagement](#) after they were locked out the latest negotiating round in Ho Chi Minh City, Vietnam. We have since been informed that there will be some limited opportunities for engagement at talks in Indonesia in December.

While we welcome this, it remains a fact that even the TPP negotiations contained more opportunities for civil society engagement than the RCEP has so far. We will continue to call for an end to the secrecy in the RCEP and all other trade deals.

### **ISDS in the spotlight: Buzzfeed grabs headlines with four-part investigation**

Buzzfeed News has published an extraordinary four-part report into the ISDS system, titled 'Secrets of a Global Super Court'. Written by Pulitzer Prize winning author Chris Hamby, the series is the product of an 18-month investigation across three continents, drawing upon more than 200 interviews and tens of thousands of documents, many of them previously confidential.

It's a gripping, in-depth and at times scary examination of how ISDS in trade agreements has been used by corporations to "bend countries to their will," help corporate criminals escape punishment and deliver profits to banks. [Read it here.](#)

### **Decoding the rhetoric about trade with the UK**

Trade Minister Steve Ciobo was in London recently talking up a post-brexite free trade deal with the UK.

In a recent [opinion piece](#) he penned for *The Australian*, he said a 'bilateral Trade Working Group' will begin to scope the parameters of an Australia-UK free trade agreement. He said both Malcolm Turnbull and Theresa May want to see a deal in place soon after Britain leaves the EU.

The UK is not in a position to negotiate until after it leaves the EU – which could be a long way off. Ciobo stressed that in the meantime negotiations will continue towards a free trade agreement with the EU.

The media attention resulting from Ciobo's European trip has been an opportunity for the Government to sell its free trade mantra in a political climate where minor parties and independents are increasingly more cautious and sceptical towards trade deals, which are seen to have had negative impacts without bringing the purported economic benefits. Even a group of leading neoliberal economists recently accused the Government of [overstating the benefits](#) of recent trade deals.

However, despite grabbing headlines with its pro-free trade rhetoric, the Government has again failed to engage in any real discussion of the importance of the quality of trade agreements or how to manage the broad-ranging impacts they can have on the Australian community.

Unfortunately, in recent years we have seen the rise of free trade deals like the TPP which are mainly about giving extra monopolies and greater rights to corporations rather than traditional imports and

exports. We are concerned that with conservative governments here and in the UK there will be a push to include investor-state dispute settlement (ISDS) in any agreement with Britain.

## **Submission to DFAT on trade with Indonesia**

Trade with Indonesia continues to be a priority with an aim to finish the Indonesia-Australia Comprehensive Economic Partnership Agreement (IA-CEPA) by mid-2017.

AFTINET has made a detailed [submission](#) to DFAT covering our major concerns and recommending that:

- There should be greater transparency in the trade negotiation process
- Removal of tariffs and quotas should only be decided after careful, independent analysis of the impacts of such changes on industry and workers in both countries
- Indonesia and Australia should retain flexibility to regulate the provision of essential services both now and in the future
- Temporary movement of workers should not be included in trade agreements. Labour mobility discussions should happen in separate agreements and include extra protection for vulnerable migrant workers.
- There should be no erosion of Australia's high standards for qualifications and prerequisite language skills
- The IA-CEPA should contain effective, enforceable labour rights and environmental sustainability provisions based on UN conventions
- Both countries should retain their right to regulate foreign investment in the national interest
- No form of Investor-State Dispute Settlement (ISDS) should be included in the agreement
- TPP-style extensions on intellectual property rights for corporations at the expense of consumers should be rejected, and in particular there should be no extensions of monopoly rights on medicines
- Both governments should retain the policy space to use government procurement for industry development purposes.

If you or your organisation would like to make a submission to DFAT, this should be done as soon as possible. You will find DFAT's guidelines [here](#).

## **The Trade in Services Agreement (TiSA) and privatisation**

ActionAid Australia, the ACTU, public sector unions and the Per Capita think tank are holding a [People's Inquiry](#) into the social impacts of privatisation of public services. This is being held in parallel to a Productivity Commission Inquiry, which is likely to recommend further privatisation.

AFTINET was requested to make a submission about the impact on privatisation and regulation of public services of the TiSA and trade in services chapters in agreements like the TPP.

The submission summarises the debate between global services companies which have lobbied for increased deregulation and privatisation of public services, and community organisations which have argued against it. Most public infrastructure and services have developed as public entities historically because they have special characteristics which mean that there can be conflicts of interest between effective and equitable service provision and profitability for shareholders. Some like water and energy are natural monopolies which require regulation to curb abuses of market power. Others like health and education require government regulation to ensure they are affordable and accessible to all.

The TISA negotiations between 23 mostly industrialised countries are taking place in secret and without the involvement of most developing countries. They treat government regulation of services as if they were tariffs, to be reduced and minimised over time in all service sectors. History shows us that governments must retain the flexibility to reregulate or introduce new regulations through the experience of the global financial crisis, the failure of private vocational education services and challenges like corporate tax evasion and climate change

The secrecy of the negotiations and the prominent role played by global service companies with an agenda of privatisation and deregulation could result in rules which reduce the ability of future governments to regulate and provide essential services in the public interest.

Policies and laws relating to essential service provision should be decided through transparent democratic parliamentary processes, not through secret trade negotiations, which bind governments into rigid rules which can lock in deregulation and privatisation. See the full AFTINET submission [here](#).

## Other news

**Updated summary of seven current trade deals.** See timelines and major issues [here](#).

**Asbestos discoveries provoke call for temporary ban on Chinese building materials.** A report in to the recent discovery of asbestos at Perth Children's Hospital has prompted a call for a temporary ban on imports of Chinese building materials. [Read more.](#)

**Call for fundamental rethink of trade policy as NZ rallies against TPP:** NZ law professor and outspoken TPP critic Jane Kelsey has called for a complete rethink of trade policy as rallies against the TPP occur around the country today. [Read more.](#)

**Trade deal benefits 'mythical', say top economists:** A group of leading economists have criticised the government's free trade deals, saying their benefits have been overstated and estimating that the US-Australia FTA resulted in a \$53.1 billion reduction in trade with the rest of the world. [Read more.](#)

**Top legal experts say no to ISDS:** More than 200 legal and economics experts have written to US Congress opposing Investor-State Dispute Settlement (ISDS) in the TPP, saying it "threatens the rule of law and undermines our nation's democratic institutions." [Read more.](#)

**Door slammed on unions, health organisations at latest RCEP negotiations:** More than sixty civil society organisations covering all sixteen Regional Comprehensive Economic Partnership (RCEP) countries have called for meaningful stakeholder engagement after they were locked out the latest negotiating round in Ho Chi Minh City, Vietnam. [Read more.](#)

**France demands an end to TTIP talks:** France's trade minister has announced that France no longer supports the Transatlantic Trade and Investment Partnership (TTIP) trade talks between the EU and the US. [Read more.](#)

**More discoveries of imported asbestos as Government negotiates Indonesia deal:** More discoveries of dangerous imported Chinese asbestos in SA buildings have highlighted the need for greater controls to prevent workers from being exposed to the deadly substance. [Read more.](#)

**No voice for workers at Pacific Islands labour meeting:** Unions are concerned about the lack of worker representation at the inaugural Pacific Labour Mobility Annual Meeting, being held alongside the PACER-plus Ministerial meeting in Christchurch. [Read more.](#)

**High price to pay for inequality increase:** Inequality in Australia is growing rapidly and if no action is taken it could take a toll on our economy. If Australia ratifies the TPP it's only going to get worse. [Read more.](#)

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