

Australia's Current Trade Agreement Process is secretive and lacks democratic accountability:

- Cabinet makes the decision to initiate trade negotiations and receives reports on the progress of negotiations
- The text remains secret until the deal is completed.
- Cabinet makes the decision to sign the completed agreement before the text becomes public and without independent evaluation.
- Only after the agreement is signed is the text is tabled publicly in Parliament and reviewed by the Joint Standing Committee on Treaties (JSCOT).
- There is no independent assessment of the economic costs and benefits of the agreement, or of social or regional impacts, before it is signed. The National Interest Assessment is done by DFAT, the department that negotiated the agreement, and it always gives a favourable assessment.
- The JSCOT reviews the agreement but it cannot make any changes to the text. It can only make recommendations which are not binding on the government.
- Parliament does not vote on the text of the agreement, only on the enabling legislation, which is mostly confined to changes in tariffs.

Trade agreements now deal with a wide range of issues that affect communities and are normally decided by parliament, including stronger medicine monopolies, foreign investor rights to sue governments over health and environmental laws, regulation of essential services, digital trade rules, temporary workers, industry policy and product standards. Such issues should be transparent, independently evaluated and decided by parliament, not traded off behind closed doors. This is even more relevant since the COVID-19 pandemic has exposed the flaws in current trade rules, like lack of local manufacturing capacity and rights for foreign investors to sue governments over actions taken to save lives.

Precedents for a more open and accountable process.

The WTO and the EU have more open processes.

The [EU releases its negotiating proposals](#) and the completed text is released before signing.

The [EU has independent evaluations](#) of the costs and benefits of agreements.

For WTO multilateral agreements that include all WTO members, negotiating texts are released on the [WTO website](#).

The [Productivity Commission](#) has recommended release of the negotiated text and independent assessment of the economic costs and benefits of agreements before they are signed.

A 2015 Senate Inquiry received many submissions and produced a report on the trade agreement process aptly called [Blind Agreement](#) that recommended changes.

Changes for a more democratic and accountable process include:

- Parliament should make the decision to commence negotiations, and should receive regular reports on negotiations
- release of negotiating texts
- release of agreed final text before signing
- independent evaluation of economic costs and benefits, and of health, environmental, human rights and gender impacts before signing
- Parliament should vote on the whole agreement, not just the enabling legislation.