



# BULLETIN – Election Special Edition

## April 2019

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### 1. Introduction

Dear Members,

The federal election has been called for May 18. AFTINET is promoting our vision for fair trade based on human rights, labour rights and environmental sustainability, and to hold politicians accountable for their trade policies. Our major campaign is to keep damaging proposals out of the ongoing negotiations for the Regional Comprehensive Economic Partnership (RCEP) which will continue after the election.

See below for actions to support trade justice in the election campaign and for information on how the election will impact current trade negotiations.

*The AFTINET Team*

### 2. Take action to support trade justice in the federal election campaign

Australia is currently negotiating the RCEP agreement with 15 countries in the Asia-Pacific region. The agreement would cover half the world's population and we know from [leaked documents](#) that it includes proposals that would benefit global corporations but undermine our democracy, human rights, labour rights and environment. This election AFTINET is calling on candidates and political parties to oppose dangerous and damaging provision in the RCEP agreement.

**We are calling on election candidates to oppose:**

- **Higher medicine prices** by opposing stronger monopoly rights for pharmaceutical companies to charge higher prices for medicines, which would delay the availability of cheaper versions of those medicines;
- **Increased rights for global corporations** to bypass national courts and sue governments for millions of dollars in unfair international tribunals over changes to health and environment laws, (known as [ISDS](#)) and
- **Increases in the numbers of vulnerable temporary workers** by removing the requirement to test if local workers are available. Research show that these workers

are often badly exploited because they are tied to one employer and can be deported if they lose the job.

**We are calling on candidates to support:**

- The inclusion in the RCEP of fully enforceable labour rights and environmental standards
- The release of the RCEP negotiating texts to enable informed input from the community, and release of the final text for independent assessment **before** it is signed.

You can take action by:

- Sharing our [leaflet](#) explaining damaging proposals in the RCEP
- Signing and sharing our [petition](#) against damaging proposals in the RCEP
- Sharing the AFTINET election trade policy scorecard to inform your friends and family about the major parties’ policies on key issues in the RCEP and more generally
- Sharing and using our candidate meeting kit to question your local MP and other candidates about their policy on the RCEP and other trade deals
- [Donating](#) to our campaign

**3. [AFTINET election trade policy scorecard for main parties](#)**

***Greens and Centre Alliance 9 Stars, Labor 8 Stars, Liberal-National Coalition zero stars***

AFTINET has analysed policy documents, public statements and past records of the main parliamentary parties to compare their trade policies. See further information below the table.

Trade Policy issues	LNP	Labor	Greens	Centre Alliance
Opposes foreign investor rights to sue Governments (ISDS)	No	Yes	Yes	Yes
Opposes stronger medicine and copyright monopolies	No	Yes	Yes	Yes
Opposes privatisation and deregulation of essential services	No	Yes	Yes	Yes
Supports enforceable labour rights	No	Yes	Yes	Yes
Supports enforceable environmental protections including Australia’s commitments under the Paris Agreement and other international environmental law	No	Yes	Yes	Yes
Supports labour market testing for temporary worker visas to reduce numbers of temporary workers vulnerable to exploitation	No	Yes	Yes	Yes
Supports independent evaluation of agreements prior to signing	No	Yes	Yes	Yes
Supports release of draft texts and final texts before signing	No	Yes	Yes	Yes
Voted against the TPP’s implementing legislation	No	No	Yes	Yes

**The Liberal-National Coalition - Zero stars**

The LNP Coalition’s track record on trade is clear. They have consistently supported foreign investor rights to sue governments ([ISDS](#)). They have signed the TPP, and bilateral agreements with Peru, Indonesia and Hong Kong, which all contain ISDS.

The TPP and other agreements have also entrenched [medicine and copyright monopolies](#) and contain chapters on [trade in services](#) that freeze the regulation of services at existing levels and could prevent the re-regulation of essential services and make it difficult to fix failed privatisations in the future. The TPP contains [labour](#) and [environment](#) chapters that are not fully enforceable. The Coalition has not supported enforceable labour rights or

environmental standards in other agreements. They have [removed labour market testing](#) for temporary workers in the TPP and other agreements and have [opposed](#) the public release and independent evaluation of trade agreement texts before signing.

### **Australian Labor Party - Eight Stars**

Labor loses a star because of its record on voting for the implementation of the TPP-11 in October 2018. This resulted in a backlash from its supporters because the TPP-11 contained many provisions contrary to Labor's policy.

Labor adopted a stronger trade policy in December 2018 (see [policy platform](#) p.p. 26-33). The new policy commits them to oppose ISDS, stronger medicine and copyright monopolies, provisions for deregulation of essential services and removal of labour market testing for temporary migrant workers. It supports enforceable labour rights and environmental standards in trade agreements and the public release and independent evaluation of trade agreement texts before signing. Labor has proposed new [legislation](#) to enshrine these policies should it win government.

### **Australian Greens - Nine Stars**

The Australian Greens have consistently opposed trade deals containing ISDS, stronger medicine and copyright monopolies, provisions for deregulation of essential services and removal of labour market testing for temporary migrant workers. They have supported enforceable labour rights and environmental standards in trade agreements and the public release and independent evaluation of trade agreement texts before signing. They [voted against](#) the implementing legislation for the TPP-11.

### **The Centre Alliance - Nine Stars**

The Centre Alliance have opposed ISDS, stronger medicine and copyright monopolies, provisions for deregulation of essential services and removal of labour market testing for temporary migrant workers. They have supported enforceable labour rights and environmental standards in trade agreements and the public release and independent evaluation of trade agreement texts before signing. The Centre Alliance [voted against](#) the TPP's implementing legislation.

## **4. When an election is called, what happens to recently signed deals that have not been implemented?**

Trade deals with Peru, Indonesia Hong Kong have been signed, but parliament has not passed the implementing legislation. Below is a summary of where they are up to:

### **Peru FTA: Labor has delayed implementing legislation until after the election, pending removal of ISDS**

Thanks to submissions and lobbying by AFTINET members, the [implementing legislation](#) has been held over in the Senate. Labor is still seeking removal of the Investor-State Dispute Settlement clauses (ISDS). We will hold them accountable to this policy, whatever the election outcome.

### **Australia-Indonesia Agreement: government conceals failure to cancel the old, worse version of ISDS, and Parliamentary review delayed until after the election**

The [text](#) of the Indonesia- Australia Comprehensive Economic Partnership Agreement has been tabled in Parliament and referred to the [Joint Standing Committee on Treaties](#), which will review it after the election. See our preliminary analysis in [The Conversation](#).

Following more detailed reading of the text, we were shocked to discover that there are no provisions to cancel the old 1993 [Indonesia-Australia bilateral investment agreement](#). The [DFAT summary](#) of the new deal is misleading, because it does not mention this fact, but just

claims credit for more public interest safeguards in the new agreement. See the AFTINET media release [here](#).

In other recent trade deals, like the [TPP-11](#) and the [Hong Kong FTA](#), the government has cancelled these old investment agreements, claiming that the new deals have more safeguards and exclusions for public health regulation, including tobacco regulation.

The new Indonesian agreement does include a [more recent version of ISDS](#) which claims to have more safeguards and more transparent procedures. But it only specifically excludes some areas of health regulation. These are Medicare, the Pharmaceutical Benefits Scheme, the Therapeutic goods Authority and the Gene Technology Regulator. Tobacco regulation is **not** specifically excluded. Other more general safeguards will not prevent ISDS cases against changes in other public interest regulation like changes to environmental regulation to address climate change, or changes to industrial relations laws.

The 1993 investment agreement has no exclusions at all. This means that corporations will have a choice of using ISDS in the old agreement, which has no exclusions and less transparency, rather than ISDS in the new agreement, which has some exclusions. Obviously, they will choose to use the old agreement, which has less defences for government. This makes a nonsense of the exclusions the government is claiming credit for in the new agreement.

The election means the [JSCOT review](#) is suspended until after the election. AFTINET will pursue the issue of the removal of ISDS in the new agreement and the cancellation of the old investment agreement, regardless of the election outcome.

Whichever party wins will have a majority on the committee. Labor shadow Minister Jason Clare has said that Labor will implement its policy to seek removal of ISDS both in government and in opposition. We are campaigning to keep Labor accountable for this policy.

### **Hong Kong FTA signed, parliamentary review delayed until after the election**

See our [media release](#), explaining that the text still contains ISDS. Exemptions for tobacco regulation, Medicare, the PBS, TGA and gene technology regulator will not prevent cases in other areas like the environment and climate change and industrial relations. In contrast to the Indonesia agreement, there is provision to cancel the old Hong Kong investment agreement, which is the one the Philip Morris Tobacco company used in its attempt to sue for millions in compensation for our plain packaging law.

The deal has been referred to the [Joint Standing Committee on Treaties](#) and its review has been suspended until after the election. As with the Indonesia FTA, we will continue campaigning for the removal of ISDS and will keep Labor accountable for its policy to seek the removal of ISDS.