



Level 3, Suite 3B, 110 Kippax St  
 Surry Hills, NSW, 2010  
 Phone: 02 9212 7242  
 Fax: 02 9211 1407  
 Email: [campaign@aftinet.org.au](mailto:campaign@aftinet.org.au)  
 ACN 097 603 131  
 ABN 83 659 681 462  
[www.aftinet.org.au](http://www.aftinet.org.au)

**AFTINET Bulletin No. 168**  
**August 2010**

1. Election 2010: The Parties Policies Reviewed
2. Trans Pacific Partnership Agreement (TPPA) – UPDATE
3. Productivity Commission Report - Update
4. WTO Update
5. PACER-Plus update
6. FTAs UPDATE
7. General Trade update – Ministerial Change & ACTA
8. New Resources available on our website: [www.aftinet.org.au](http://www.aftinet.org.au)

**1 Election 2010: The Parties Policies Reviewed**

With the Federal election well and truly underway it is important to look at what each of the major parties is proposing on Trade Policy. For this article we look at the Coalition, ALP and Greens policies on Trade and put them to the test.

***What the Parties Say:***

<b>Policy</b>	<b>Coalition</b>	<b>ALP</b>	<b>Greens</b>
Transparency/Democracy	NO	YES – more transparency	YES – more transparency and commitment to democracy in all trade related institutions
Labour Standards requirement before signing an FTA	NO	YES - Labor supports the incorporation of core labour standards in all international trade agreements.	YES – also includes requirement for local firms to meet labour rights standards when operating overseas
Environmental standards requirement before signing an FTA	NO	YES - Labor is fully committed to the goal of sustainable development. Labor will work towards the removal of environmentally damaging subsidies, and promote mechanisms which can reconcile the interests of environmental protection and open markets.	YES – also includes requirement for local firms to meet environmental standards when operating overseas
Support for developing and least developed countries	NO – policy requires an attack on sensitive and special products for	YES – policy requires development to be central to agreements.	YES – unreservedly

	developing nations		
Space for governments to regulate in the public interest	NO	YES	YES
Support for Multilateralism & WTO	YES	YES	YES
Negotiating bilateral FTAs	YES – unreservedly	YES – with qualifications about Human Rights, Labour Rights and the Environment for an FTA with China	NO – advocates withdrawal from Bilateral FTAs except where it is favourable for a developing country.
Negotiating regional FTAs	YES – unreservedly	YES – with qualifications, including a development focus for the PACER-Plus negotiations	Appears to be YES – with qualifications – requiring sustainable development, environmental, human rights, labour standards.
Financial Services	Further deregulation	Practise has been to have exemptions for financial services regulations	Reregulation and implementation of measures to prevent speculation and to regulate transnational companies
Prohibition on products produced by exploitation of children and vulnerable people	NO	Will work with WTO and other international organisations to combat forced, prison and child labour.	YES – outright prohibition
Reform of the World Trade Organisation	NO	NO – but commits it to defending public health, education, welfare, water services and government's ability to regulate in these areas.	YES – including the abolition the WTO if it cannot be reformed
Extension of Intellectual Property (IP) Rights (including medicines patents)	YES	YES - Labor supports affordable medicines through the PBS.	Oppose any extension of IP in any forum

The Coalition trade policy for the 2010 election is unchanged since its time in government and maintains its previous unfettered approach to free trade and a commitment to the neo-liberal free market vision for world trade. The trade policy would limit future Australian governments' ability to regulate in the public interest. There is no commitment to a transparent and democratic process.

The Coalition policies fail to ensure that international standards on human rights, environmental rights and labour rights are enforced. The policy fails to commit the Coalition to sustainability, fairness or equity and fails to acknowledge the differing levels of development within the world economy.

In general the ALP policy is more consistent with AFTINET principles, however much of the 2007 policy has not been implemented. The real test for the ALP will be over the next 3 years and its ability to implement the party platform and policy on Trade, if it is returned to government.

The Greens policy is consistent with AFTINET's principles. The real test for the Greens will be their ability to influence either the Coalition or the ALP in government. If the ALP is returned and the Greens hold the balance of power in the senate they would be in a good

position to ensure that the ALP enforces its own policy – which is closer to the Greens’ policy than to the coalition.

(**Sources:** *The Coalition:* “Coalition Economic Principles; Rebuilding Sustainable Prosperity”, May 2010, the current Liberal Party Platform (adopted in 2002 and issued in March 2010) <http://www.liberal.org.au/~media/Files/Policies%20and%20Media/Economy/Coalition%20Economic%20Principles%2018%20May%202010.ashx>, and The Nationals Policy Platform 2010. <http://www.nationals.org.au/LinkClick.aspx?fileticket=FhJMz2SpV%3d&tabid=110>. Trade policy launch speech given by Warren Truss, the opposition shadow Trade Minister, on 3<sup>rd</sup> August 2010 in Brisbane. <http://www.nationals.org.au/News/Speeches/tabid/96/articleType/ArticleView/articleId/5714/The-Hon-Warren-Truss-MP--The-Coalition-Policy-to-Support-Australian-Exporters.aspx>. *The ALP:* ALP National Platform adopted in 2009, primarily Chapter 2 “Securing our future with responsible economic management” of the ALP platform, under the heading “A globally competitive Australia”. <http://www.alp.org.au/getattachment/24c21958-6f28-4fc2-8e0c-2d2e348cef3e/our-platform/>. *The Greens:* “Global Economics” (June 2008) with the secondary general document being “Economics: Sustainable Economy” (March 2010.) <http://greens.org.au/policies/sustainable-economy/global-economics>.

---

## **2 Trans Pacific Partnership Agreement (TPPA) - UPDATE**

**Leaflet Launched:** On 16<sup>th</sup> June 2010 AFTINET, as part of the Trans Pacific Partnership Agreement (TPPA) Campaign, held successful a public meeting at NSW Parliament called: **“Resurrecting the US Free Trade Agreement: What US business wants from the Trans Pacific Partnership Agreement”** and launched our community education leaflet of the same name about the TPPA. The community education leaflet is aimed at explaining the issues and asking the government to ensure these policies are not traded away.

Copies of the leaflet are available for free. We do however have to request a donation towards postage costs – please see the AFTINET website [www.aftinet.org.au](http://www.aftinet.org.au) to download an electronic copy of the leaflet or an order form, or you can call the office on 02 9212 7242.

**Report on the Second Round of Negotiations:** The US provided space for stakeholders, those that provided comments, including NGOs, at the second round of negotiations in California which commenced on 14<sup>th</sup> June 2010. They also provided the opportunity for stakeholders to address the delegates in a session each day. This is in stark contrast to Australia’s approach of only including business in the first round in Melbourne in March.

There is still disagreement about the relationship of the TPPA to existing agreements. DFAT have stated that they see the relationship as “the better clause will prevail and a mechanism will be built in to ensure this”. This disagreement extends to whether existing FTA schedules will be reopened, with reports in the US that Australia is one of the nations in the negotiations calling for the reopening of existing schedules, which the US along with Chile and Vietnam are resisting.

There is however agreement that a single market schedule will exist in the TPPA for such areas as services, investment, sanitary and phytosanitary rules, technical barriers to trade, government procurement and intellectual property rules.

A priority issue for negotiators coming out of the second round is how other countries will join. It is reported that this should be resolved fairly soon so that other countries can join at the end of this year or the beginning of next year, whilst negotiations continue.

The latest briefing from DFAT, in Canberra on 20<sup>th</sup> July 2010, indicates that there is now little likelihood of texts being discussed at the 3<sup>rd</sup> round in Brunei in October. They report that a process has been agreed for the negotiations and that market access talks will be central to the 4<sup>th</sup> round in December 2010.

DFAT report that it has been agreed that the proposed TPPA will be the basis for a regional FTA architecture for the Asia-Pacific.

They also announced that it had been agreed that there would be a negative listing for Trade in Services. This is of significant concern as it means that unless a services area is specifically listed it will be subject to the agreement. Industry sectors that develop after a negative list agreement is finalised would automatically be subject to the agreement despite not existing at the time.

AFTINET has always advocated a positive list approach – where the services area has to be specifically listed to have the agreement apply to it.

It was confirmed that the next round of talks would be held in Brunei-Darussalam with an inter-sessional meeting in Peru either in August or September.

Report on AFTINET Lobby Trip to Canberra: A delegation from AFTINET went to Canberra on the 22<sup>nd</sup> and 23<sup>rd</sup> July 2010 to undertake discussions with as many politicians as possible. The AFTINET delegation was comprised of Dr Pat Ralald, Harvey Purse and Peter Dodd. Dr Kyla Teinhaara joined them for the JSCOT presentation on Wednesday 23<sup>rd</sup> June.

Some meetings were postponed or cancelled due to various events in Canberra. However generally the lobby trip went well and MPs were supportive of what we were doing.

AFTINET had successful meetings with Tony Windsor (Independent MP for New England, NSW), Simon Crean's advisors, Rob Oakshot (Independent MP for Lyne, NSW), Senator Bob Brown & Senator Christine Milne's advisors, Senator David Feeney (VIC), David Bradbury (MP for Lindsay, NSW) and Graham Perrett (MP for Moreton, Qld), the Joint Standing Committee On Treaties (JSCOT) – (Kelvin Thomson – Chair, Senator Michaelia Cash, John Murphy, Belinda Neal, John Forrest, Melissa Parke) and Anthony Byrne (MP for Holt, Vic).

These meetings were generally positive and there was some support for our 9 principles. Most of the MPs we met agreed to be placed on AFTINET's mailing list. There was significant interest from all MPs and Senators about the potential for an investor-state disputes clause and on the potential impact of the TPPA on limiting government's ability to regulate and legislate in the public interest. All were supportive of the PBS and the need to protect it.

It is important to note the following opportunity arising from the lobby trip. We were invited by Mr Crean's office and Mr Byrne's office (as well as the DFAT officials) to provide specifics and "granularity" of what we want, particularly in relation to labour and environmental standards – essentially an invitation to provide some draft texts. AFTINET will take the initiative and convene round tables on the appropriate recommendations to make to government – this should involve all of our membership including unions, environmental groups and other specialist and interested groups.

**Media Coverage:** We continue to have some media coverage. As these occur they will be placed on our website on the TPPA Campaign media page: <http://aftinet.org.au/cms/tpa-media-reports-our-campaign>.

**Organisations:** We continue to ask our member organisations to sign on to 9 principles for the TPPA negotiations and over 30 have now signed on. If your organisation has not signed up it isn't too late – this campaign will run for at least the next 18 months. The principles and joint statement are available from the AFTINET TPPA Campaign page: <http://aftinet.org.au/cms/trans-pacific-partnership-agreement/trans-pacific-partnership-agreement>.

**Individual Actions:** Individuals are encouraged to join the TPPA campaign through our email/letter campaign to Stephen Smith. This component has been updated so emails now go to Stephen Smith and will continue to run on our website throughout the TPPA campaign.

**We remind organisations to update their email campaign link** so that this part of the campaign is available to their membership to participate in. The link now goes to an email to Mr Smith. We encourage you to put the following updated link to the e-mail campaign on your website: <http://aftinet.org.au/cms/tpa-campaign-email-stephen-smith-don%E2%80%99t-trade-away-vital-social-policies>

(**Sources:** DFAT TPP Stakeholder update 2 issued 13<sup>th</sup> July 2010, DFAT Briefing held on 20<sup>th</sup> July 2010 in Canberra)

---

### **3 Productivity Commission Report – Update:**

The Productivity Commission (PC) has released its draft report on “Bilateral and Regional Trade Agreements”. The deadline for comments is 10<sup>th</sup> September 2010 after which the PC will produce a final report. For a copy of the draft report and information about making further comment please see the PC website: <http://www.pc.gov.au/projects/study/trade-agreements/draft>.

The PC’s draft report identifies several problems with the existing free trade agreement agenda, yet it still attempts to justify that agenda and calls for a continuation of the neo-liberal mantra on free trade. There are also a couple of positives that will be highlighted in the article. Members are encouraged to make further comment and reinforce the call for a fair trade agenda to replace the neo-liberal free trade approach.

The draft PC report found that the econometric modelling used to justify free trade agreements is flawed, particularly in the use of unrealistic scenarios which make assumptions that all trade barriers are dropped and that all of the objectives of the negotiators are met. AFTINET and our supporters have long argued against these models on the basis that they are inaccurate, inappropriate and depend on multiple unrealistic assumptions.

In examining the multilateral system the PC found that “benefits of trade liberalisation are greatest if the liberalisation is undertaken on a multilateral basis, a result reflected in the modelling presented in the report. By lowering barriers to all countries, multilateral reform avoids the potential for trade diversion inherent in PTAs,...”<sup>1</sup> Despite this finding the PC cast doubts on the ability to conclude the current multilateral round of talks, known as the Doha round, and uses this doubt to recommend the continuation of the development of bi-lateral and regional free trade agreements. It urges the Australian government to look at other international agreements, such as the Information Technology Agreement (ITA) and Anti-Counterfeiting Trade Agreement (ACTA), as a way of moving its trade agenda forward through obtaining “critical mass” in those agreements. It is important that this approach is opposed.

The PC found that there were significant problems with the FTAs already negotiated. It notes that “the actual agreements negotiated have often entailed gaps in coverage and/or long phase-in periods, and early evidence suggests that the anticipated benefits of their liberalising provisions have not been fully realised.... these points suggest to the Commission that, at a minimum, the economic value of Australia’s preferential (Bilateral and Regional Trade Agreements) BRTAs has been oversold.”<sup>2</sup>

On a positive, note the draft report calls on the Australian government not to conclude Bi-lateral or Regional Free Trade agreements which affect established social policy without a separate review of the implications and the options available. However the PC fails to support the need for all agreements to be substantially reviewed and approved by

parliament, meaning any review or detailed study would be conducted without full democratic involvement of the parliament and undertaken behind closed doors. We need to let the PC know this does not go far enough and that such reviews need to be transparent and democratic.

In another positive, the PC found the government should be very cautious about an investor-state dispute process and that it should only be included when the partner countries' legal system is not fully developed and that it should not give foreign investors rights that Australian investors do not have. In other words it is too dangerous to have it in an agreement when the other party is a developed country, but we can do it when it suits us and the other country is a developing one. The AFTINET position is that these clauses should not exist at all – state to state dispute processes are all that is required. We need to press this point home to the PC in our responses to the draft report.

The PC also recommends that the government take a cautious approach to the inclusion of intellectual property (IP) protections in agreements “particularly when they involve the extension of current thresholds”. AFTINET welcomes this potential improvement to the approach on intellectual property rights.

In the same recommendation the PC suggests that the government should be cautious in its approach to referencing core labour standards. This is a step in the right direction towards the inclusion of labour standards in future agreements, but needs to go further.

On exclusions for cultural matters being included in agreements, the PC recommends that the government take cautious approach to including such exemptions. This is at odds with the body of the report which acknowledges that there is significant support for such exemptions and that they may be useful.

The PC identifies that there are problems with the lack of transparency within the entire FTA process, yet its recommendations fall short of what is required to incorporate democratic and transparency processes into the free trade agreements process. An example is the PC's response to calls for improved democracy and transparency. The PC does not support the call by AFTINET and other community groups, as well as from the bi-partisan Joint Select Committee on Treaties, for parliamentary approval to be required for free trade agreements.

The PC also found that there were significant concerns around the lack of consultation during negotiations for stakeholders (that is industry), consumer groups and the public. The recent US model of ensuring that there is space and time to address delegates/negotiators for all stakeholders, be they business or community groups, should be a starting point for greater involvement by the community in trade negotiations. Despite the US example the PC fails to make any substantive recommendation and is calling for further suggestions on how to improve this part of the process. Members should take the chance to call for greater transparency and democracy in the making of Trade Agreements.

The last recommendation by the PC is in relation to transparency and accountability and would require that DFAT publish estimates on the expenditure incurred in the negotiation of an agreement. AFTINET welcomes the recommendation to enhance transparency through showing the true costs of negotiations.

Also of concern is the PC recommendation that calls for all future FTAs to take a “negative list approach” - that is, only those areas specifically listed would be exempted from coverage by the agreement. This has significant problems, not the least of which is that any new industry or sector which develops after the signing of such an agreement would be automatically covered regardless of the nature of that industry or sector. A positive list

approach is more appropriate and would mean that the agreement only applied to those areas actually listed.

The PC report calls for unilateral removal by Australia of its remaining trade barriers. We must oppose this as both foolish and doctrinaire.

In general the draft report has many flaws. Members are encouraged to write further submissions.

(**Sources:** 1 Bilateral and Regional Trade Agreements: Productivity Commission Draft Research Report, p. XXI.  
2 Bilateral and Regional Trade Agreements: Productivity Commission Draft Research Report, p. XXII).

---

#### **4 WTO Update:**

Little has changed in the period since our last bulletin. The WTO Doha round is stalled and, if anything the differences have become more entrenched as the US and EU try to sheet home the delay to the BRICs (Brazil, China, South Africa and India) and they in turn to try pin the blame on the US in particular.

Any reference to a conclusion this year have been quietly dropped. For example the recent G20 communiqué called for the conclusion of the Doha round as soon as possible but did not include a date. All previous communiqués have given a date.

Whilst the US maintains its requirement for the goal posts to be shifted, to include a comprehensive services agreement, it is highly unlikely that any movement will occur. DFAT have been very clear that they are strong supporters of the US demands and see this as being crucial to any progress on the Doha round.

DFAT officials maintain that there can be progress and that the G5 (the US, EU and BRICs) were talking and had all committed to concluding the Doha round. They state that the Geneva process (where small groups of countries are attempting to negotiate past road blocks) is working and some agreement has been reached. However, reading from the WTO website and reports from the various NGO networks, it is clear that any progress is slow and that for every agreement reached new disagreements emerge.

(**Sources:** DFAT Briefing held on 20<sup>th</sup> July 2010 in Canberra, various updates on the WTO website <http://www.wto.org/>)

---

#### **5 PACER Plus Update:**

A successful conference on Health and PACER Plus Impacts was held in Sydney on 21<sup>st</sup> July 2010. The Public Health Association of Australia (PHAA) was the main sponsor of this event, along with the University of Sydney, the Menzies Centre for Health Policy, University of Sydney Law School and ANU. Supporters were People's Health Movement, Aid/watch and AFTINET.

Papers and results from the conference will be available shortly from our website.

It is hoped to feed the results of both the Sydney and the previous Melbourne conference into an NGO side meeting at the Pacific Island Forum Leaders meeting and into the media.

The Pacific Island Forum Leaders meeting is occurring in Port Vila, Vanuatu as this bulletin is being sent out. The meeting will be missing several leaders including Australian Prime Minister Julia Gillard. Australia, despite being the chair of the forum, was only going to be represented by officials. Last minute pushing has ensured that Australia will be represented by Foreign Affairs and Trade Minister Stephen Smith.

Pacific civil society has called for the PACER-Plus talks to be suspended pending promised national consultations; funding and adequate staffing for the office of the Chief Trade Advisor; an easing of the impacts and an evaluation of the global financial crisis; alternative trade options are examined; there is a guarantee to exclude comprehensive services and investment chapters; there is a delinking of the labour mobility program; adequate funding and training is provided for capacity building of local trade officials and key stakeholders; a human rights and gender analysis is undertaken and there is active involvement from civil society, as promised by the Leaders.

AFTINET, along with many civil society organisations in Australia and New Zealand, have supported this call from the Pacific to suspend the talks. The following is a copy of the statement.

**Statement of support for the Pacific from New Zealand and Australian civil society on PACER-Plus trade negotiations, August 2010**

In the lead up to the Pacific Islands Forum Leaders' Meeting in Port Vila on 3-6 August 2010, civil society organisations from the Pacific Islands have released a statement on PACER-Plus which outlines the need for a moratorium on negotiations until a number of conditions have been met that will assist in the negotiation of an agreement that benefits the people of the region. As a coalition of Australian and New Zealand organisations committed to fair trade and sustainable development in the region, we support the statement issued by our Pacific civil society allies and partners.

We affirm that any trade negotiations should:

- Be for the benefit of the Pacific people;
- Promote decent work (a framework for promoting sustainable development outcomes committed to by Pacific Island governments in February 2010); and
- Positively contribute to meeting the needs of both women and men and their sustainable development opportunities.

Accordingly, we call on our governments to refrain from holding further negotiations on PACER-Plus until:

- National Consultations in Pacific countries are conducted
- Adequate funding and staffing of the Office of Chief Trade Advisor (OCTA) is available so that the Office can carry out its functions effectively
- The impacts of the global recession and financial crisis on Pacific countries have eased and an evaluation of the impacts of the global financial crisis is conducted
- A full investigation of potential alternative economic and trade agreements is undertaken
- A commitment is made to exclude services and investment chapters which reduce the range of policy options available to Pacific Island governments to support and encourage local development
- Trade negotiations are de-linked from temporary labour mobility schemes
- Adequate resources are provided for nationally-defined training and capacity building of trade officials and key stakeholders in the Pacific
- A human rights impact assessment and a gender analysis of PACER-Plus is undertaken
- Active involvement of civil society organisations, as previously agreed by Forum Trade Ministers, is committed to and planned for.

Further details on these conditions are clearly articulated in the Pacific civil society statement (August 2010).

**Signed:** Australian Council of Trade Unions (ACTU), Australian Fair Trade and Investment Network,

Australian Education Union, Australian Nursing Federation (ANF), AID/WATCH, Christian World Service, Community and Public Sector Union – State Public Sector Federation (Australia), Construction Forestry Mining and Energy Union (Australia), Global Trade Watch, Island Child Charitable Trust NZ (ICCT), New Zealand Council of Trade Unions, Pacific Institute of Resource Management, One Asia Trust, Pax Christi Aotearoa-New Zealand, People's Health Movement Australia, Public Health Association of Australia, Public Services International, Oceania, Quaker Peace and Service Aotearoa New Zealand, Search Foundation, The Grail Global Justice Network (Australia), UnitingWorld

---

## **6 FTA Updates:**

The following FTAs have had some movement or negotiations since our last bulletin.

### Japan-Australia FTA

The change new Japanese Prime Minister has appointed a protectionist as the new minister for agriculture, will slow progress on this agreement. DFAT officials report that there will be inter-sessional work through email and video conferencing between the negotiating rounds. They state that there are difficulties in obtaining a comprehensive high quality agreement because of differences on agriculture and services trade.

DFAT officials were clear in their reports that there will be no trade off on agriculture to obtain a deal.

The next round of negotiations will be held in Canberra but no date has been set. This would be the 12<sup>th</sup> round of negotiations.

### China-Australia FTA

There have been strong diplomatic efforts to raise the profile of the Australia-China relationship which have included China's Vice President recently visiting Australia and expressing support for a fast conclusion to the FTA negotiations.

The latest and 15<sup>th</sup> round of negotiations was held in Beijing on 28<sup>th</sup> to 30<sup>th</sup> June 2010. The official reports indicate that significant differences still remain unresolved. No agreement has been reached and all areas will continue to be negotiated at the next round in Canberra. Australia has pushed for the inclusion of government procurement and competition policy chapters.

It was reported that the talks were held in a positive atmosphere but that gaps remained particularly in services trade, industrial goods trade and agriculture.

DFAT maintain that both sides are serious about concluding a Free Trade Agreement which was reflected in the large and significant size of both delegations. They will undertake inter-sessional work by email. DFAT officials were at pains to point out that there was no timetable for the completion of the agreement.

### Republic of Korea – Australia FTA

The next round is scheduled for Korea in Seoul from 9<sup>th</sup> August 2010. Whilst DFAT have reported that some chapters have been agreed they acknowledge that significant differences still exist. There were particular differences on beef (BSE regulations) and cars as well as oil exports, electronics and white goods.

The next round of talks will focus on technical issues.

DFAT reported that there are several matters with the potential to impact on the negotiations. These are the TPPA, Korea-USFTA, negotiations between Korea and the EU.

### Malaysia-Australia FTA

The next round is scheduled for Canberra on 26<sup>th</sup> August and will focus on market access, exchanging offers and attempting to progress draft texts. These may be postponed depending on advice about the current caretaker mode of government in Australia.

There are particular differences on market access for goods such as wine and areas such as financial services, education services and legal services along with differences on investment and government procurement.

As with the negotiations on the Korea-Australia FTA there are several matters with the potential to impact on the Malaysia-Australia FTA negotiations. These are the TPPA, potential negotiations between Korea and the EU, the release at the end of March 2010 of a new Malaysian economic market reform plan.

(Sources: DFAT various FTA stakeholder updates, DFAT Briefing held on 20<sup>th</sup> July 2010 in Canberra).

---

## **7 General Trade Update:**

### Ministerial Change:

New Prime Minister, Julia Gillard, has given the Trade portfolio to Stephen Smith to sit beside his Foreign Affairs portfolio. Whether this combination of Foreign Affairs and Trade will remain after the election is unclear at this stage. The newly appointed advisors to Mr Crean will be now in Mr Smith's office. If the portfolio remains together after the election the issue will be who gets it.

### Anti Counterfeiting Trade Agreement (ACTA):

Japan and the US commenced the talks in 2006 and were joined by Canada, the EU and Switzerland in 2006-7. When official negotiations commenced in 2008, Australia, Mexico, Morocco, New Zealand, Singapore and the Republic of Korea joined. Nine rounds of negotiations have been held by a small number of countries which includes Australia. The draft text was released for comment earlier this year on 20<sup>th</sup> April.

The scope of ACTA is broad, including counterfeit goods, generic medicines and copyright infringement on the Internet. Because it is in effect a treaty, ACTA would overcome many court precedents defining consumer rights as to "fair use" and would either change or remove limitations on the application of intellectual property laws.

DFAT claim that ACTA is not aimed at patents and therefore should not effect generic medicines or the existing TRIPS exemptions for developing countries. DFAT claim there is increasing support for this position. However civil society in many countries including the US and Australia remain sceptical.

---

## **10 New Resources available on the web or at our website:**

TPPA Community Education Leaflet – *“Resurrecting the US Free Trade Agreement: what US business want from the Trans Pacific Partnership Agreement and what we can do about it.”*  
<http://aftinet.org.au/cms/sites/default/files/TPPA%20Resurrecting%20the%20US%20Free%20Trade%20Agreement%20FINAL.pdf>

PACER-Plus – Statement of Pacific NGOs call for suspension of talks, August 2010.  
[http://aftinet.org.au/cms/sites/default/files/Pacific\\_CSOPACER\\_Plus\\_Moratorium\\_Statement.pdf](http://aftinet.org.au/cms/sites/default/files/Pacific_CSOPACER_Plus_Moratorium_Statement.pdf).

PACER-Plus – Statement of Australian and New Zealand NGOs in support for Pacific NGOs.  
[http://aftinet.org.au/cms/sites/default/files/ANZ\\_PACER-Plus\\_statement\\_FINAL\\_with\\_endorsements-1.pdf](http://aftinet.org.au/cms/sites/default/files/ANZ_PACER-Plus_statement_FINAL_with_endorsements-1.pdf).