



BULLETIN July 2015

Inside this edition:

- [Take Action on the China-Australia Free Trade Agreement \(ChAFTA\)](#)
- [US Congress grants TPP Fast Track as Productivity Commission slams ISDS, medicine monopolies and campaign continues](#)
- [Senate Inquiry Report on Trade Agreement Process condemns current process, supports release of text and independent evaluation before signing](#)
- [RCEP: more leaks on proposals for stronger medicine monopolies](#)
- [PACER-Plus: seasonal worker scheme consultations](#)
- [Trade in Services Agreement \(TISA\) leaks expose corporate deregulation agenda for financial and human services](#)

Take Action on the China-Australia Free Trade Agreement (ChAFTA)

The China-Australia Free Trade Agreement was finalised in November 2014 but the [text](#) was only released on June 17, 2015. It appears that the Australian government made huge concessions on temporary labour and investor rights in its desperation to complete the deal. [AFTINET's preliminary analysis](#) reveals that the Australian Government has made arrangements for Chinese investors to increase the use of temporary migrant workers. It has also agreed that Chinese investors will be able to sue Australian governments if they can claim that a change in law or policy "harms" their investment, known as Investor-State Disputes or ISDS, but those provisions are unfinished and ambiguous. An unprecedented [Memorandum of Understanding](#) separate from the text of the trade agreement gives Chinese investors in projects valued over \$150 million additional rights to bring in temporary migrant workers. Critical media commentary includes Sydney Morning Herald articles by [Peter Martin](#) and [Michael West](#), [Kyla Tienhaara](#) in the *Canberra Times* and Joanna Howe in [the Conversation](#).

The text will be reviewed by the [Joint Standing Committee on Treaties](#) and by the [Senate Foreign Affairs Defence and Trade Committee](#). The closing date for submissions is July 24. It will be important that these Committees receive a wide range of submissions. If you are an individual member, and want to do a short submission, there are points you can use for both [Inquiries on our website](#). AFTINET and other organisations will do longer submissions. AFTINET's longer draft will be circulated shortly.

Parliament will only get to vote on the implementing legislation, not on the whole text of the agreement. Polling shows there is already strong [public opposition](#) to the Agreement [Email your MP now](#) to tell them to vote against the China FTA legislation. .

US Congress grants TPP Fast Track as Productivity Commission slams ISDS, medicine monopolies and campaign continues

After months of debate, the U.S. Congress on June 26 finally passed the procedural [Fast Track](#) legislation for the Trans-Pacific Partnership trade agreement (TPP). This means the Congress has given up its right to amend the TPP text, and will only be able to vote yes or no after the text is agreed and signed by the US government. But the US public opposition to the TPP means the actual [TPP vote will be also be a battle](#) in Congress.

Fast Track does clear the way for further negotiations between the TPP Trade Ministers, who may meet in the last week of July to try to finalise the deal. If agreement is reached, the ceremonial signing of the text may then take place from August, after which it will become public and be tabled in the Australian Parliament for review by Parliamentary committees. However the text cannot be changed and Parliament will get only get to vote on the implementing legislation, not on the whole agreement.

Australian Parliamentary debate on the TPP intensified with the launch on May 25 of a [cross-party Parliamentary group](#) critical of the TPP led by [Melissa Parke MP](#) (ALP), [Senator Peter Whish-Wilson](#) (Greens), and [Senator Nick Xenophon](#) (Independent), which received media coverage in [The Guardian](#) and on [ABC Radio National](#).

The public and community debate has also intensified. On May 27 one thousand union delegates at the ACTU Congress endorsed a [resolution](#) calling on the Australian government to release the TPP text or withdraw from the TPP negotiations. AFTINET members in Sydney Melbourne and Canberra have continued to address community meetings on the TPP, averaging two meetings per week.

Media coverage of the TPP stepped up as the [Productivity Commission](#) on June 24 launched a scathing attack on Australia's latest series of free trade agreements, saying they grant

legal rights to foreign investors not available to Australians, expose the government to potentially large unfunded liabilities and add extra costs for businesses attempting to comply with them. Community opposition to the TPP was reinforced by a call from [10 United Nations Human Rights Rapporteurs](#) for a halt to further TPP negotiations and release of the full text so that proper human rights impact assessments can be done. They say the TPP could have detrimental effects on human rights to health, clean environment, improved labour standards and an independent judiciary.

On the same day the government sent to many journalists a document defending the TPP entitled [“TPP: Myths and Realities”](#). This document creates straw people, misrepresenting the claims of critics and failing to address substantial criticisms. AFTINET’s reply is on our [website](#) has been sent to journalists and all members of Parliament, and received a good response.

This debate about the Productivity Commission and the Government’s defence of the TPP was reported in the [Sydney Morning Herald](#) , and AFTINET was interviewed about it by [The Australian](#), [ABC Radio National](#) , [SBS TV News](#) and other media. There were further critical TPP opinion pieces on June 29-30 from [Peter Martin](#) in the *The Sydney Morning Herald*, [Ian Verrender](#) in the ABC National News blog *The Drum* and [Ken Davidson](#) in the *Melbourne Age* .

If the TPP text is finalised at the end of July, it may be signed and tabled in Parliament for 20 sitting days by the end of August or beginning of September, but the text cannot be changed. AFTINET will analyse the text and make submissions to the Joint Standing Committee on Treaties and the Senate Inquiry if one is established. Parliament will only get to vote on the implementing legislation, possibly in October or November. If the text is not in the public interest, we will be asking for your support in our campaign to get the Senate to block the implementing legislation, which is the only way to prevent the agreement from being finally ratified.

Senate Inquiry Report on Trade Agreement Process condemns current process, supports release of text and independent evaluation before signing

The analysis of *Blind Agreement*, the [Report](#) of the Senate Inquiry into the Australian trade agreement process released on June 25 reflects the views of the overwhelming majority of submissions. These criticised the current secret and undemocratic process and called for the text of trade agreements to be released for public and parliamentary scrutiny before they are signed. These demands have grown because trade agreements now deal with issues like medicines, copyright, food regulation, labour rights and other public interest issues which should be decided through the democratic parliamentary process, not secretly signed away in trade deals.

The majority report came from ALP members of the committee, with dissenting reports in the same document from [the Greens](#) arguing for more change and the Coalition supporting the current system without change.

The Report's actual recommendations, while improving on the current process, fall short of full transparency and democracy in a number of areas. For example, the report recommends that the Australian government seek agreement from negotiating partners for the final draft text of trade agreements to be tabled in parliament prior to authorisation for signature, **but does not make this a condition of entering negotiations.**

The Report recommends that, during negotiations, parliamentarians and their principal advisers and stakeholders with relevant expertise from industry, civil society, unions, consumer and other groups be granted access to draft treaty text **but only under conditions of confidentiality.** This severely limits debate of the details of the text during negotiations. The report also recommends that the Joint Standing Committee on Treaties take a more active role prior to and during trade negotiations, but only through confidential briefings.

The report criticises National Interest Analyses, which are currently very limited documents prepared by DFAT, which is also responsible for trade negotiations. The report recommends that they should be prepared by an independent body, be more comprehensive in addressing the environmental, health and human rights effects of trade agreements and be presented to the government before an agreement is authorised by Cabinet for signature, **but only "wherever possible"**.

The Report presents a robust analysis of the problems of the current process, but it is disappointing that it has failed to follow the example of the World Trade Organisation which releases draft negotiating texts, and the example of the [European Union](#) which has agreed unequivocally to release the text of the Transatlantic Trade and Investment Partnership before it is signed. The report also shied away from recommending that Parliament vote on the whole text of trade agreements, rather than just the implementing legislation, despite agreeing that there were no constitutional barriers to Parliament having this role. Media coverage included articles by Gareth Hutchens in the [Melbourne Age](#) and Peter Martin in the [Sydney Morning Herald](#).

AFTINET will continue to pursue these issues with the government and with the ALP, Greens and independents.

RCEP: more leaks on proposals for stronger medicine monopolies

The Regional Comprehensive Economic Partnership (RCEP) negotiations between 10 ASEAN countries plus Australia, NZ, China, Japan, India, South Korea began in 2013 and have now intensified. Following concerns in May about a [leaked Japanese document](#) which proposed extensions of monopoly rights on medicines, AFTINET and the Public Health Association met with TPP negotiators to express our concerns. On June 8, Dr Deborah Gleeson and colleagues published an article in [The Conversation](#) which revealed a leaked [South Korean text](#) with similar proposals. The Public Health Association and other health organisations have written to the trade Minister and other ministers expressing their concerns that such proposals would delay the availability of cheaper generic medicines and mean prohibitive medicine costs in RCEP developing countries. AFTINET and health organisations will continue to meet with RCEP negotiators about these issues.

PACER-Plus: seasonal worker scheme consultations

The Pacific Island [community campaign](#) to halt negotiations has received [media publicity](#) and community network PANG is hosting teach-ins with church, gender and environmental groups. There are still reported differences in the negotiations over trade in goods, services, investment, seasonal workers and development assistance. Negotiations are expected to continue into 2016.

The Australian government announced in June an [expansion](#) of the seasonal labour arrangements with Pacific Islands, apparently with no further safeguards to protect workers' rights. A [4 Corners Report](#) recently exposed exploitation of Holiday Visa farm workers from non-Pacific countries.

Consultations are being held around Australia about Pacer-plus and seasonal worker arrangements by the Pacific Island lead negotiator for Pacer-plus, from the OCTA. The Sydney consultations are to be held on July 14, at 10 AM level 3, Trades Hall building, corner of Goulburn and Dixon Sts, Sydney . Dates in other cities are listed below. For further details of times and venues in other cities ring 03 9664 7277.

- Melbourne on Monday, 13 July 2015
- Adelaide, Wednesday 15 July 2015
- Brisbane, Thursday 16 July and Friday 17 July 2015.

Trade in Services Agreement (TISA) leaks expose corporate deregulation agenda for financial and human services

On June 4, 2015 WikiLeaks published leaked documents from the secret TISA negotiations between the US, the EU Japan, Australia and 20 other countries, mostly developed countries

which are services exporters wanting to reduce government regulation seen as barriers by global services corporations. These negotiations are taking place outside the World Trade Organisation because many of the WTO's 161 members are developing countries who want to retain the right to regulate services. AFTINET Coordinator Dr Patricia Ranald was interviewed in a [Sydney Morning Herald](#) article which criticised TISA proposals for weaker financial sector regulation despite the experience of the global financial crisis and recent financial planning fraud. There are also proposals for less government regulation of licensing, qualifications and technical standards, which in areas like child care and aged care could prevent future governments from improving staff qualifications and quality of care in those services. On July 2, [further leaks of TISA documents](#) confirmed these trends.

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