



AFTINET
Australian Fair Trade
& Investment Network

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No change in Trade Minister or policy under Prime Minister Turnbull

The replacement of Prime Minister Tony Abbott by Malcolm Turnbull means a change in style rather than substance for trade policy. Trade Minister Robb remains in place, and Prime Minister Turnbull has said he is committed to the current trade policies. However, given his commitment to a more transparent and consultative style, AFTINET has sought a meeting with the new Prime Minister to discuss the TPP and other trade agreements.

Trade Ministers make last-ditch attempt to seal the deal on September 30, new website on biologic medicines

Following the collapse of the TPP negotiations on July 31, there have been several failed attempts to settle the market access issues on agriculture and motor vehicles between the US, Japan, Mexico and Canada, so market access offers can be made to others like Australia and New Zealand. Meetings are continuing from September 26-29.

A last-ditch TPP Ministers Meeting to try to seal the deal is set for September 30, in Atlanta, Georgia. AFTINET and other organisations will be monitoring the negotiations and ministers meetings making public statements and briefing the media.

New website on biologics and the TPP: take action on September 30!

This new website featuring cancer survivors will be launched on September 30 at the TPP negotiations in Atlanta. .Please go to www.tppkills.org to learn more and take action by sharing through your website, facebook and twitter. Here's an extract from one survivor.

My name is Zahara Heckscher and I like to call myself a "cancer thriver." I was diagnosed with cancer seven years ago. Although I am still in treatment, I have maintained a positive attitude and active lifestyle thanks in part to biologic drugs such as trastuzumab (marketed as Herceptin). These medicines have extended my life and they allow me to thrive and be there for years for my son — who just turned 10 this summer.

I have become involved in the fight against the TPP because, if passed, it could threaten access to these life-saving drugs. The large pharmaceutical companies want a delay of at least eight years before allowing access to much cheaper generics or biosimilars.

We are calling this proposal the "death sentence clause" because it would sentence tens of thousands of people to unnecessary suffering and early death.

Our campaign continued in August as three hundred people [protested](#) against the TPP in Martin Place, Sydney on August 23, which was reported in the [Sydney Morning Herald](#).

On September 3, [150 health experts](#) called for no TPP concessions on medicines, and on September 14 copyright expert Kim Weatherall criticised TPP proposals in [Crikey](#). On September 17 a UN Human Rights [Report](#) condemned ISDS in the TPP, saying it was incompatible with human rights.

GetUp produced a new 45-second satirical [video](#) on ISDS in the TPP which ran as a TV advertisement in the Canning by-election.

China FTA: protests as government's false claims exposed before Senate vote in November

Protests were held outside China FTA Parliamentary hearings in Canberra on August 10, Perth on August 25, Devonport on August 27 and Melbourne August 28. The Joint Standing Committee on Treaties is due to report on October 12, followed by a Senate Inquiry, which will report in the week of November 9. The parliament does not vote on the whole text of the agreement, only the implementing legislation. As explained below, government may not have a majority in favour of the implementing legislation when the Senate is expected to vote on it in November-December.

The intense media debate continued as an [ABC online news China FTA fact check](#) found that the China FTA does **not** require labour market testing for local workers before decisions to employ temporary overseas workers, despite the Trade Minister's claims that labour market testing is required. This is the third fact check to find this, following [The Conversation](#) and [ABC Radio National](#) interview with Labor Law migration expert Dr Joanna Howe. Shadow Trade Minister Penny Wong criticised the government's [misleading statements](#) about the China FTA, as the Government prepared to launch a [multi-million dollar advertising campaign](#) to defend the deal.

The Age economics editor Peter Martin's fact check in the [Fairfax media](#) revealed that the government-commissioned economic study shows that the Japan, Korea and China FTAs

together will only create an additional 5434 jobs after 20 years, not the 178,000 claimed by government ministers. The China FTA also emerged as an issue in the [Canning by-election](#).

Opposition leader [Bill Shorten](#) said the China FTA was a dud deal, and pledged to amend the Migration Act to protect local jobs and working conditions when the China FTA implementing legislation comes before the Senate. Greens [Senator Peter Whish-Wilson](#) wrote in *The Guardian* that the experience of the China FTA shows that the trade agreement process is broken.

AFTINET has produced an updated [fact sheet](#) on the China FTA, and is briefing Opposition, Green and Independent Senators.

PACER-Plus protest October 7, 12 noon, 131 Lonsdale St, Melbourne

Pressure is on to finish the PACER-Plus negotiations in 2016. Negotiations are being held in Melbourne, from October 6-9. AFTINET, APHEDA, ACTU and PANG are protesting for trade justice for Pacific Islanders on Wednesday, October 7 at 12 noon, outside the Grand Chancellor Hotel, 131 Lonsdale Street, Melbourne.

PACER-plus is another in a line of secret trade agreements that promote the rights of corporations over people. This rally for trade justice supports trade deals that are balanced, support jobs, protect the rights of working people and promote a healthy environment.

We are concerned that any agreement will suit the interests of Australia and New Zealand at the expense of the Pacific Island countries. The threat of rising sea levels from climate change is more urgent than a free trade agreement, and Australia should heed the calls of Pacific Islanders to take a lead in reducing carbon emissions.

RCEP talks speed up: threats to medicines, ISDS, submissions needed

The Regional Comprehensive Economic Partnership (RCEP) agreement is currently under negotiation between ASEAN member states plus the six countries that have existing trade agreements with ASEAN - Australia, China, India, Japan, New Zealand and South Korea,.

The August 24 meeting of RCEP Trade Ministers urged acceleration of the negotiations with the aim of finishing in 2016.

Leaked negotiating texts by [Japan](#) and [South Korea](#) for an intellectual property (IP) chapter in the RCEP are particularly alarming. The two countries appear to act as a proxy for the international pharmaceutical industry by seeking stringent IP measures that go beyond those required in the World Trade Organisation's Trade-Related Aspects of Intellectual Property Rights agreement (TRIPS) and are similar to some aspects of the leaked TPP IP chapter. These include measures to extend patent terms and data exclusivity - further delaying generic entry, to broaden the scope of patentability – making it easier to obtain patent monopolies, and measures to apply IP 'in-transit' - threatening the global trade of legitimate lifesaving generic medicines. See a short analysis [here](#).

We understand that there is now a consolidated intellectual property chapter text in which the stringent Japanese and South Korean proposals are bracketed – meaning they are not agreed to by the negotiating countries but not yet taken off the table. The proposals would be disastrous not only for least developed countries – middle income countries that are [already paying high prices](#) would pay even more. If India and China were to agree, access to medicines could be hampered across the globe.

Negotiating countries are also considering joining other international IP agreements including many World Intellectual Property Organization treaties as part of RCEP. MSF have identified that the Patent Law Treaty (2000) would curtail flexibilities such as those in the current Indian patent system to prevent the patenting of known medicines. Proposals from ASEAN and India have also been leaked. Dr Deborah Gleeson and other health experts are preparing further submissions on this.

In addition, we understand that the Ministers have agreed in principle to an Investor-State Dispute Settlement (ISDS) in RCEP. [Legal scholars and civil society groups](#) have raised serious concerns over public health and other 'safeguards' proposed for ISDS in the TPPA and argued that the most effective way to protect health, environment and other public interest regulation is not to include ISDS in trade agreements.

We understand that there are ISDS proposals tabled by Korea and Japan which are likely to be similar to those in their own bilateral agreements and in the TPP leaked text. There is as yet no consolidated text and other governments like India and China are likely to table different proposals or concept papers based on their own experience. The Indian government is currently considering a revised draft [Bilateral Investment Treaty](#) which considerably reduces investor rights compared with other version of ISDS. However this could be substantially revised as a result of comments from an Indian consultation process with industry and civil society groups. ISDS will be discussed at the next round of negotiations in mid-October in Pusan, Korea.

AFTINET has made a second [submission](#) to DFAT on these issues, and is encouraging other organisations to make submissions if they can.

Timetable for future RCEP negotiations

Mid-October 2015 negotiations in Pusan, South Korea.

April 2016 negotiations in Perth, Australia

May 16, 2016 Australia will host ASEAN FTA review meeting

Mid-June negotiations in Auckland, New Zealand

India FTA talks speed up: temporary workers, ISDS, submissions needed

The India Australia FTA talks have also been accelerated with the aim of finishing by the end of 2015. Key concerns include provisions for increased numbers of temporary workers, and the inclusion of investor rights to sue governments over changes to domestic law and policy (ISDS). AFTINET has made a second [submission](#) to DFAT on these issues, and is encouraging other organisations to make submissions if they can.

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