



## **BULLETIN**

### **February 2018**

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#### **Introduction**

Dear members,

The full text of the rebranded 'Comprehensive Progressive' Trans-Pacific Partnership (CPTPP) was published by the New Zealand government last week and is set for signing on March 8 in Chile. It is still a deeply flawed deal, and far from 'progressive'. We are calling for a Senate inquiry and independent assessment of the full costs of the deal. To mark International Women's Day, and to coincide with the signing of the deal, we will also be hosting a free public forum about the impacts of the CPTPP on women on March 9. Read on to find out more and secure your spot.

#### **How will the TPP affect women? You're invited to our public forum on March 9**

Australia and ten other countries plan to sign the rebranded 'Comprehensive Progressive' TPP on March 8. Many of you will recognise this date as International Women's Day. The deal gives special rights to foreign investors to sue governments, entrenches stronger monopolies on medicines, restricts the regulation of essential services and will result in more vulnerable temporary migrant workers.

AFTINET is hosting a [public forum](#) on Friday March 9 between 12.30pm – 2pm at NSW Parliament House in Sydney to discuss how the deal will affect women across the globe, with excellent speakers from ActionAid, Immigrant Women’s Speakout Association and overseas. The event is free, but please email [campaign@aftinet.org.au](mailto:campaign@aftinet.org.au) to RSVP.

### **AFTINET calls for a Senate inquiry on CPTPP implementing legislation**

The New Zealand government has published the [new text](#) of the revised and rebranded CPTPP. There are some minor changes from Canada to the non-binding preamble mentioning cultural identity, indigenous rights and gender equity, but these are aspirational only. The Australian government has not demanded any further changes to the deal. [New side letters](#) between specific countries are still secret and will not be released until after March 8.

The deal still includes [special rights for foreign investors](#) to bypass national courts and sue governments for millions of dollars in unfair international tribunals over changes to domestic laws, known as ISDS. Chapters on trade in services and state-owned enterprises could [restrict future governments](#) from re-regulating essential services, and temporary labour provisions will increase numbers of [vulnerable temporary migrant workers](#) from six countries, without testing if local workers are available.

The CPTPP will be tabled in Parliament after March 8 and the implementing legislation will be reviewed by the Joint Standing Committee on Treaties on which the government has a majority. The committee will rely on an assessment from the Department which negotiated the deal, which always recommends in favour of the implementing legislation. We have [called for a Senate inquiry](#) and independent assessment of the real costs of the deal, which can recommend against the implementing legislation if it is not in the public interest.

### **Unions across the Asia-Pacific condemn latest version of the TPP**

The Building and Wood Workers’ International (BWI), the Australian Council of Trade Unions (ACTU) and the NZ Council of Trade Unions (CTU) have all condemned the latest version of the Trans-Pacific Partnership Agreement, rebranded as the ‘Comprehensive Progressive’ TPP.

[BWI Asia-Pacific affiliates said](#) the latest TPP ‘does little to address the concerns of critics’. BWI representative Apolinar Tolentino said the remaining labour chapter is ‘practically unworkable and will do nothing to strengthen workers’ rights’, while other chapters will weaken workers’ bargaining power.

CTU economist Bill Rosenberg [said](#) the New Zealand government’s analysis of the deal is ‘deeply flawed’ as it ‘assumes that working people will find new employment immediately when their jobs are displaced’. The CTU also noted that any gains in GDP resulting from the CPTPP would be miniscule, and ‘unlikely to be evenly spread’.

The ACTU [said](#) the CPTPP puts corporate profit ahead of jobs and wages, and will allow companies to exploit temporary migrant workers in Australia.

### **Peru Australia FTA signed February 2018, text released, JSCOT process next step**

The Peru-Australia (PAFTA) talks began in May 2017, based on the TPP text. Peru was part of the CPTPP negotiations, one of three countries with which Australia does not already have a free trade agreement. It appears the government wanted to have a separate agreement as insurance against the failure of the CPTPP.

The agreement was signed on February 12, 2018, and the [text](#) has just been released on the DFAT website, but at the time of writing it had not been tabled in Parliament. Once this occurs, a JSCOT inquiry on the implementing legislation is likely to follow over the next few months.

Preliminary analysis of the text shows that it is very similar to the TPP text, and still contains ISDS. We will produce a detailed analysis for our submission to the JSCOT inquiry and will circulate it to members.

### **Read our submission on the dangerous Electoral Legislation Amendment bill**

Unfortunately, the Turnbull government's Electoral Legislation Amendment (Electoral Funding and Disclosure Reform) Bill 2017 is about a lot more than just banning donations from overseas individuals and entities. The Bill would redefine a broad layer of non-party political activity, carried out in the public interest, as party-political. This would put an immediate chill on well-informed public debate and degrade the political process.

[AFTINET has made a submission](#) to the inquiry into the legislation, which recommends that the Bill be withdrawn and redrafted. Many of our member organisations, including unions, environment groups and charities, have also [made submissions](#).

### **Turnbull government ordered to publish costs of Philip Morris ISDS case**

The Australian Information Commissioner has given the Turnbull government until March 28 to release the total legal costs in the Philip Morris tobacco plain packaging ISDS case against Australia, or lodge an appeal. Although Australia eventually won the case, it dragged on for over four years, and Australia reportedly spent \$50 million in legal costs. Outrageously, the detailed costs were blacked out of the final tribunal decision on costs and it has taken a [long FOI battle](#) initiated by Senator Rex Patrick (NXT) to achieve this result.

Philip Morris has consistently used trade treaties to resist laws which restrict and regulate tobacco. [Leaked Philip Morris documents](#) for the years 2009-2016 have shed light on the company's efforts to neutralise the United Nations Framework Convention on Tobacco Control, as well as Australia's plain packaging law. Philip Morris has [strived](#) to keep tobacco within the ambit of international trade deals, so that it can mount legal campaigns against public health regulations.

### **Japan's push for stronger intellectual property provisions**

The latest leaked version of the RCEP contains provisions to extend patent terms and introduce mandatory minimum periods which prevent companies seeking to sell generic medicines from relying on clinical trial data used by the original developer.

Japan, the second largest exporter of intellectual property in the world, is leading a push for [extended intellectual property protections](#) in the Regional Comprehensive Economic Partnership (RCEP) agreement, but [facing resistance](#) from India, a major producer of affordable generic medicines. For more detail on Japan's emerging role in the global pharmaceutical intellectual property regime, read our [summary](#) of a great new paper by Dr Belinda Townsend (ANU), Dr Deborah Gleeson (La Trobe) and Dr Ruth Lopert (George Washington).