



## **BULLETIN**

### **January 2018**

#### *Inside this edition:*

- Introduction and our new office address
- The TPP text has been finalised, and we need your help to stop it: send a message to Senators
- TPP: where opposition and minor parties stand
- Critical Commentary on the TPP
- PACER Plus submissions close February 15
- Free trade or women's rights? Analysis from Kate Lappin
- Greenpeace report warns against ISDS
- NAFTA's ISDS has cost Canada nearly \$220 million
- Electoral Legislation Amendment Bill is not just about foreign donations

#### **Introduction and our new office address**

Happy New Year to all!

Many of you will have read the news that the latest version of the zombie TPP, now named the 'Comprehensive Progressive Agreement on TPP' (CPTPP), has been finalised. It is slated for signing in Chile on March 8, and then parliament will review the deal and consider the implementing legislation. The fight is far from over, and not all opposition parties will be supporting the legislation. The government does not have a majority in the Senate, so the first step is to secure a Senate Inquiry. We have written a message to Senators, which you can send and share using the [link on our website](#).

In other news, we have moved offices to 7/321 Pitt Street, Sydney 2000. Our phone number (02 9699 3686) and email address (campaign@aftinet.org.au) remain the same. Please note this for your records.

#### **The TPP text has been finalised, and we need your help to stop it: send a message to Senators**

The text of the rebranded TPP was finalised on January 23, although the full text is still a secret. It will be made public after the deal is signed, which is set for March 8 in Chile. The latest version

appears to be a mess of separate deals cobbled together to meet issues raised by Canada and others. Australian Trade Minister Steve Ciobo is promoting this as '[18 free trade agreements](#)'. There are new side letters on [cultural issues](#), [automobile industry car access](#) and [labour rights issues](#).

While the Australian government is only releasing positive information about possible market access gains from the deal, we know that the text still includes restrictions on regulation of essential services and state-owned enterprises, rights for foreign investors to sue governments (ISDS), and no enforceable protections for labour rights or migrant workers.

Importantly, this is not a 'done deal' yet, as the parliament still must review the deal and consider the implementing legislation. We are campaigning for opposition and minor parties to demand the release of the full text, to organise a Senate inquiry, to commission an independent study on the real costs of the deal and to block the implementing legislation. Send a message to opposition Senators now, using our [online form](#). Please share with your workmates and friends.

### TPP: where opposition and minor parties stand

**Labor:** Opposition Shadow Trade Minister Jason Clare said, "*Labor supports high-quality regional trade agreements that create Australian jobs and will consider any new agreement on its merits*". Labor has [called for](#) independent economic modelling on the costs and benefits of the latest TPP, and for the Turnbull government to '[fix the mistakes](#)' in the agreement such as ISDS and the removal of labour market testing for six countries.

**Greens:** The Greens Trade Spokesperson Senator Sarah Hanson-Young [said](#) "*This 'trickle-down triumph' solves none of the problems we need genuine multilateral cooperation to solve, like climate change and tax avoidance.*"

*"At a time when workers and communities are anxious about the changing workforce and the household pressures of low wages growth, governments have a responsibility to ensure that free-trade deals are good for the community - not just the profits of faceless, unaccountable corporations. This revived deal is a dead end for Australian workers and the Australian public."*

**Nick Xenophon Team:** Senator Rex Patrick has [called for](#) a full cost-benefit analysis of the TPP, saying "*The Government should not presume that the Australian Parliament will just rubber stamp any legislation to give effect to the TPP before ratification*".

He also called for ISDS to be removed from the agreement, as they give rights to international corporations "*at the expense of national sovereignty and interests.*"

### Commentary on the TPP

Since news broke of the TPP being finalised, many commentators have been debunking myths about its supposed benefits. Jomo Kwame Sundaram, a Malaysian economist and the former assistant secretary general in the UN's Department of Economic Affairs explained on [ABC PM](#) that the deal will deliver '*negligible*' economic gains. AFTINET's Convener Dr Patricia Randal told [ABC The World Today](#) that small market access gains cannot '*compensate for the restrictions on the ability of government to regulate*'.

Many have discussed '*the anti-democratic rot at the heart of the deal*' (in the words of [Guy Rundle at Crikey](#)): the investor state dispute settlement (ISDS) scheme and the state-owned

enterprises provision. ACTU President Ged Kearney explained on [ABC 7.30](#) that the TPP will expand numbers of vulnerable, temporary migrant workers from six TPP countries without testing whether local workers are available. And Peter Martin in the [Sydney Morning Herald](#) asked simply – ‘How about showing us the TPP deal which we’re about to sign?’.

### PACER-Plus submissions close February 15

PACER-plus, the proposed trade deal between Australia, New Zealand and 12 Pacific Island countries, was quietly tabled in the Australian Senate late last year, triggering a parliamentary inquiry. Submissions are open until February 15, 2018. AFTINET has circulated a draft submission to member organisations. We urge you to make a submission if you can.

AFTINET has dubbed the deal ‘PACER-Minus’ because, since Fiji and PNG have refused to sign on, it includes only 20% of the combined GDP of Pacific Island economies. Both Fiji and PNG say the deal does not meet their development needs and are concerned it would restrict government regulation and damage their infant industries. Pacific Island civil society groups have demanded social impact assessments of the deal, and AFTINET has supported their calls. You can make a submission [here](#) and read more about the agreement on our website [here](#).

### Free trade or women’s rights? Analysis from Kate Lappin

*‘[The RCEP] will do particular harm to populations that are most excluded by capitalist economics – women, indigenous peoples, migrants and those without capital or political power’.*

This is an excerpt from an excellent and detailed [article](#) by Kate Lappin of the [Asia Pacific Forum on Women, Law and Development](#), which discusses how trade and investment agreements like the Regional Comprehensive Economic Partnership (RCEP) and the TPP are deepening gendered inequality and exploitation.

If enacted, the RCEP would entrench the power of multinational corporations and the wealthy few, via provisions on ISDS, agriculture, intellectual property and trade in services. It would favour giant agrobusiness monopolies at the expense of women working on small-scale subsistence farms and would delay the availability of cheaper generic medicines in the interests of pharmaceutical companies. The patenting of traditional plants and medicines would put them out of reach of Indigenous women, who of course used them for hundreds of years before profit-hungry pharmaceutical corporations came along. The trade in services provisions (also in the TPP) would encourage privatisation of essential services, relax regulations and may prevent governments from re-regulating services and industries.

### Greenpeace report warns against ISDS

A new Greenpeace report, [Justice for People and Planet](#), includes a valuable section on the negative impacts of various trade, tax and investment agreements. Greenpeace uses 20 case studies to illustrate how global corporations are using their ever-increasing powers to violate human and environmental rights.

Foreign investment companies are being granted extensive property rights and protections under investor state dispute settlement (ISDS) schemes, and they are using their new powers to alarming effect. US oil giant Chevron [lobbied](#) to have ISDS included in the Transatlantic Trade

and Investment Partnership (TTIP) between the US and EU, to act as an ‘deterrent’ against environmental policy such as gas mining bans.

### NAFTA’s ISDS has cost Canada over \$300 million

A [new report](#) by the Canadian Centre for Policy Alternatives (CCPA) has revealed that Canada has paid out nearly \$220 million in compensation to companies under the NAFTA investor-state dispute settlement mechanism (ISDS), and \$95 million in legal fees defending against ISDS claims. There have been 41 ISDS claims made against Canada.

Besides the obvious cost burden, CCPA argues that ISDS leads to ‘regulatory chill’, where governments shy away from public policy decisions due to fears that they will be sued by foreign investors. As NAFTA is currently being renegotiated, CCPA is calling on Canadian negotiators to support the option of ‘opt-in’ ISDS, originally proposed by the Trump administration.

### Electoral Legislation Amendment Bill is not just about foreign donations

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. It includes clauses that would severely limit advocacy on human rights and trade justice.

The Bill would impose an enormous regulatory burden on community groups, including AFTINET, that engage in public advocacy on issues that could arise in an election (including outside election periods). The threshold for expenditure on advocacy for registration as a “third party campaigner” is \$13,500. We would be compelled to register and keep detailed records of all donations over \$250.

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. We believe the Bill should be withdrawn and redrafted to fit the stated purpose of restricting foreign donations. The broad community opposition should mean that it is possible to defeat the bill in the Senate, where the government does not have a majority.

The Joint Standing Committee on Electoral Matters is holding an inquiry into the legislation. Submissions closed on January 25 and AFTINET has made a submission registering our concern and recommending against the bill. Many of our member organisations, including unions, environment groups and charities, have also made submissions. The submissions will be available [online](#) shortly.