The Hon Andrew Robb AO, MP
Minister for Trade and Investment
Parliament House
Canberra ACT 2600

27 January 2015

Dear Mr. Robb,

As you know, the Australian Fair Trade and Investment Network is a network of community organisations advocating for fair trade based on human rights, labour rights and environmental sustainability.

Our organisations, which together represent millions of Australians, continue to be gravely concerned about the impacts of the Trans-Pacific Partnership Agreement (TPP) being negotiated between Australia, the US, Japan and nine other countries. The continuing failure to conclude the negotiations, which have now entered their sixth year, indicates that many governments are unable to agree that the TPP is in their national interest. A recent US Department of Agriculture study has revealed zero benefits to the Australian economy from the TPP even before the significant health and environmental costs are considered. There is also mounting concern about the secrecy of the negotiations.

**Medicines and Public health costs of the TPP**

Proposals for stronger patents and data protection on medicines would delay access to cheaper generic medicines, with a recent study showing that the extension of monopolies on ten key medicines would cost the Pharmaceutical Benefits Scheme (PBS) $205 million in one year. Other proposals in the agreement to limit the ability of governments to regulate wholesale medicine prices would also undermine the structure of the PBS, increasing costs to government and leading to pressure for higher retail prices at the chemist. There is no agreement to exempt tobacco regulation from the agreement, meaning that Australia could face challenges to future tobacco regulation. Proposals which could restrict government regulation of food and alcohol labelling could also reduce the policy space to adopt effective public health policies in the future.

**The TPP would allow foreign investors to sue Australian governments**

Investor-State Dispute Settlement (ISDS) allows foreign investors to sue governments in international tribunals if changes to laws or policies can be claimed to “harm” their investment. This not only gives foreign investors more rights than the sovereign people of Australia, it also gives foreign investors more rights than Australian investors. The Philip Morris tobacco company is currently using an obscure Hong Kong-Australia investment agreement to sue the Australian Government for damages over plain packaging legislation, despite the Australian High Court’s rejection of their compensation claim under Australian law. Attempts to “safeguard” health and environmental legislation from ISDS clauses have not been effective in other agreements and do not attempt to safeguard other areas of policy, such as industrial relations and tax policy. Recent Senate Inquiry reports, European studies and Australian High Court Chief Justice French have revealed additional evidence that ISDS can over-ride national court decisions, undermining democracy and sovereignty.
The only effective way to ensure governments are not sued over public interest legislation is to reject ISDS clauses in all trade agreements.

**The TPP could erode workers’ rights and environmental protections**

Without enforceable workers’ rights and environmental standards, trade liberalisation intensifies competition and leads to a race to the bottom on these standards. There appears to be no agreement so far in the TPP negotiations that labour rights based on International Labour Organisation Conventions, or environmental standards based on United Nations Agreements, will be legally enforceable in the same way as other provisions in the TPP. Countries without legally enforceable workers’ rights and environmental standards would gain competitive advantage based on worker and environmental exploitation, which is not acceptable.

**Increased copyright provisions will mean higher costs and restricted internet use**

Proposals to increase copyright payment periods would mean higher costs for libraries, schools, universities and consumers. Other proposals would impose criminal penalties for internet users for acts like temporary storage of copyrighted data, and make internet service providers report and penalise breaches of copyright.

**The TPP could reduce Australian content in media**

Australian content laws for audio-visual media ensure that Australian voices are heard and Australian stories are told, especially for our children. TPP proposals to reduce Australian content would result in erosion of our arts industries and undermine our culture.

**Secrecy**

Fourteen thousand people in Australia have signed petitions calling for the release of the TPP text before it is signed. There are precedents for this. The WTO has been publishing texts since 2003 and the text of the Anti-Counterfeiting Trade Agreement was released in 2011 before it was signed. The EU has recently responded to similar community calls by releasing its proposals and pledging to release the full text before it is signed in the Trans-Atlantic Trade and Investment Partnership negotiations.

In summary, the risks and potential costs of these harmful proposals in the TPP are unacceptable. It is not in Australia’s national interest for these public policies to be traded away in secret negotiations.

We call on the government to reject all of the harmful proposals in the TPP, and to release the full text of the agreement for public and Parliamentary scrutiny and debate before any Cabinet decision to endorse it.

We look forward to your reply.

Yours sincerely,

Dr. Patricia Ranald
Coordinator, Australian Fair Trade and Investment Network

This letter has been endorsed by 47 organisations (details on the following page).
This letter is endorsed by the following organisations:

**National**
- Australian Fair Trade and Investment Network
- Australian Catholic Social Justice Council
- Australian Conservation Foundation
- Australian Council of Trade Unions
- Public Health Association Australia
- Australian Federation of Aids Organisations
- ActionAid Australia
- Caritas Australia
- World Vision Australia
- Friends of the Earth
- Greenpeace
- The Australia Institute
- Catholic Religious Australia
- Catholics in Coalition for Justice and Peace
- Columban Mission Institute, Centre for Peace Ecology and Justice
- St Columban’s Mission Society ANZ Region
- Sisters of Charity
- The Edmund Rice Centre for Justice and Community Education
- The Grail Global Justice Network
- APHEDA Union Aid Abroad
- Australian Education Union
- Australian Manufacturing Workers Union
- Australian Nursing and Midwifery Federation
- Australian Services Union
- Community and Public Sector Union (PSU Group)
- Community and Public Sector Union (SPSF Group)
- Finance Sector Union
- Maritime Union of Australia
- National Union of Workers
- National Tertiary Education Union
- National Union of Students
- Textile Clothing and Footwear Union of Australia
- Genethics
- Mothers Advancing Deliciously Good Eating
- Older Women’s Network Australia
- SEARCH Foundation
- Whistleblowers, Activists and Citizens Alliance

**State and regional**
- Australian Education Union South Australia
- Australian Services Union NSW
- Combined Pensioners and Superannuants Association of NSW Inc
- NSW Nurses and Midwives Association
- NSW Teachers’ Federation
- Newcastle Trades Hall Council
- Older Women’s Network NSW
- Sutherland Shire Environment Centre (NSW)
- Sydney Food Fairness Alliance
- The Alliance to Expose GATS (Qld)