

SUBMISSION TO THE

JOINT STANDING COMMITTEE

ON

TRADE AND DEVELOPMENT GROWTH

Submitted on 22 September 2023 by:

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Grail in Australia

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Introduction

What is The Grail?

The Grail is an international women's movement active in 20 countries in Europe, Africa, North and South America, Asia, Australia and Melanesia. It is a spiritual, cultural and social movement of women grounded in Christian faith and committed to the vision of a world transformed into a global community of justice and peace. The Grail, as part of civil society, takes its stance in the public arena, collaborating with others with similar values and goals.

How does it focus its efforts?

It is a goal of The Grail that women have the opportunity to develop their talents and contribute to society as fully as they are able. To this end, The Grail focuses on women's education and personal development, on social and cultural critical analysis and communal action.

The Grail is connected into a number of different networks: women's movements and organisations, Christian churches and other religious communities, justice and peace groups, educational organisations and institutions.

It is out of our desire to see more truth, justice, equity and human dignity in the world that we have identified trade agreements as an international focus for action and reflection.

Submission perspective

The Grail Global Justice Network has been active in Australia since 2000. Over the same period, the writer of this submission has been a member of the Working Group of the foremost national civil society network concerned with trade justice, Australian Fair Trade and Investment Network (AFTINET).

The Grail Global Justice Network endorses the submission AFTINET has made to the Joint Standing Committee on Trade and Development Growth (henceforth referred to as 'the Committee'), at the same time, wishing to communicate with the Committee in our own right.

A primary concern is to assert the rights and duties of governments at all levels to govern freely for the health and well-being of all Australians and Australian society, for Australia's cultures, land and environment without being prevented, or constrained, by so-called 'free' trade agreements. Unfortunately, there is plenty of evidence world-wide of provisions in trade agreements denying governments these freedoms.

As an international women's movement, the Grail is concerned that the Australian Government accord to other countries the same sovereign rights.

SUBMISSION

This submission deals with the subject of **government policy and practice in relation to trade agreements** under two headings:

- (1) Content, ie, areas requiring action; and
- (2) Process, ie, how decisions are made, and goals implemented.

Content

- 1 The experiences of COVID-19 demonstrate the necessity for the limitation of patent rights over medicines and treatments to enable affordable, access to people in need of these resources.
- 2 Australia needs to enact legislation to reduce its vulnerability resulting from dependence on supply chains. It is essential that Australia maintain, or acquire, or reacquire capacity to produce what it can to meet its needs, especially in a crisis.
- 3 A further benefit from reducing the global transportation of goods in supply chains is the reduction of the use of fuel contributing to climate warming and its destructive impacts.
- 4 Australian governments are obliged to protect indigenous land ownership rights and indigenous cultural sites. Indigenous knowledge of medicines derived from nature's resources also need protection from individuals and companies seeking to claim patents on such medicines.
- 5 There should be no further delay in the exclusion of Investor-State Dispute Settlement (ISDS) provisions from all future Trade and Investment Agreements – and those already existing. These provisions empower foreign investors to claim high levels of compensation from a national government if they show successfully in a World Trade tribunal that their investment has been negatively affected by a government law or regulation. This is a gross violation of the sovereign rights and responsibilities of a government to legislate for the welfare of its people, its land and the environment.
- 6 As well as the ISDS provisions, there are numbers of ways in which trade and investment agreements block, limit, intrude upon governments' obligations of care for their countries and people. For example:
 - (a) An agreement to employ migrant workers in Australia should include a compulsory provision for prior testing for suitable, available local workers. Further, justice demands that labour laws and standards be equally applied to migrant and local workers.

- (b) Where pursuit of wealth through trade threatens what are judged to be essential resources and services, it must be subject to whatever regulation is necessary to protect these essentials, such as water free of pollution, food sources free of pests and disease, means of livelihood and shelter for people, forests that mitigate global warming, and more.

2 Process

There are long-standing inadequacies in the way trade and investment agreements are processed from their inception to the final signing, most particularly, in relation to consultation. The Australian government does consult interested and affected parties during negotiations on a proposed agreement, but the benefit of consultations is limited by the amount of information shared with the consulted and often there is a lack of transparency. It is understood that a genuine commercial-in-confidence matter may demand non-disclosure, but maximum transparency will enable best quality advice. The consultation should include all 'stakeholders' – those who are affected by the agreement.

At present, in Australia, trade agreements are agreed and signed before they are tabled in Parliament. Parliament's role is confined to dealing with any enabling legislation that may be required. Given the impacts of any trade agreement on the whole of Australian society we would strongly recommend that Parliament consider and debate the document in detail before it is signed.

Conclusion

We commend the Committee for launching this Inquiry and wish the Committee well in pursuing its goal of establishing rules and guidelines for achieving just and productive trade and investment agreements in the years ahead.

Alison Healey

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