



Electrical Trades Union of Australia

Proud to be Union

31 July 2020

Joint Standing Committee on Treaties

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ETU Submission to the Joint Standing Committee on Treaties Inquiry on Certain Aspects of the Treaty-Making Process in Australia in respect of trade agreements

The Electrical Trades Union of Australia (ETU) is the Electrical, energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU). The ETU represents approximately 60,000 electrical and electronic workers around the country and the CEPU, as a whole, represents approximately 90,000 workers nationally.

The ETU welcomes the opportunity to make a submission to the Joint Standing Committee on Treaties Inquiry on Certain Aspects of the Treaty-Making Process in Australia in respect of trade agreements.

The ETU is aware of the submission by AFTINET and as a member of AFTINET we support that submission and the recommendations contained within it.

Australia's trade agreement making processes have been the subject of continuous debate and three parliamentary inquiries, in 2003, 2012 and 2015, all of which recommended increased transparency and accountability. The 2015 report was aptly called *Blind Agreement*. Despite each report recommending increased transparency and accountability the Australian Government policy has not changed and the exclusion of Trade Unions and civil society in meaningful engagement in these processes is particularly acute.

Recommendations

1. Prior to commencing negotiations for bilateral or regional trade agreements, the Government should table in Parliament a document setting out its priorities and objectives. The document should include assessments of the projected costs and benefits of the agreement. Such assessments should consider the economic, regional, health, gender and environmental impacts which are expected to arise.
2. There should be regular public consultation during negotiations, including submissions and meetings with all stakeholders, release of negotiating texts and reports to Parliament.
3. The Australian government should follow the example of WTO multilateral negotiations and the European Union and should release the final text of agreements for public and parliamentary discussion before they are authorised for signing by Cabinet.
4. The current National Impact Assessment process is inadequate. After the text is completed but before it is signed, comprehensive independent studies of the likely economic, regional, health, gender and environmental impacts of the agreement should be undertaken and made public for debate and review by JSCOT.

5. There should be a separate subcommittee of JSCOT to deal with review of trade agreements. This subcommittee should review the text of a trade agreement which has been released before signing with the independent assessment of its costs and benefits and make a recommendation to Parliament.
6. The categorisation of trade agreements should not be changed in a way that would reduce scrutiny of trade agreements.
7. Legal experts agree that the Executive power to enter into treaties is a prerogative power which can be abrogated or controlled by legislation. There is no constitutional barrier to Parliament playing a greater role in the treaty decision-making process. After release of the text, the JSCOT review of the text and the independent assessment of the costs and benefits of the agreement, Parliament should then decide whether the Executive should approve the agreement for signing.
8. If the agreement is approved by Parliament, and following approval of signing by the Executive, Parliament should then vote on the implementing legislation before ratification.
9. There should be public reviews of trade agreement outcomes 5 years after entry into force with independent assessments of economic, regional, health, gender and environmental costs and benefits.

To supplement AFTINET's submission, the ETU makes the following additional recommendations:

10. JSCOT must ensure equal access and engagement of all stakeholders in trade negotiations and recognising civil society organisations and Unions have a legitimate role in these processes.
11. All Visa classes created as a result of Trade Agreements and issued subsequent to ratification must be reported at least quarterly on the Departments website with a breakdown of:
 - a. Number of Visa's applied for, being processed, issued, and cancelled / surrendered
 - b. The geographical region and industry
 - c. The ANZSCO code

As a recent example of the exclusion experienced by Unions and civil society organisations, the ETU was able to participate in just one stakeholder engagement session relating to the Regional Comprehensive Partnership Agreement. That was the sum total of engagement by the Department with our Union and it occurred purely by luck rather than any actual effort of the department. The only reason the ETU found out about it was because AFTINET advised us about it and a colleague forwarded us a copy of the registration form.

Despite our union submitting to and appearing at numerous Senate Inquiries, JSCOT meetings and speaking regularly in public forums on trade issues, the Government and the Department simply don't make any attempt to meaningfully engage in the trade agreement process.

At the engagement session referred to above, unions and civil society were given a very short, verbal only presentation by Australia's chief negotiator which included no information of any substance whatsoever and questions raised by civil society organisations and unions were simply batted away and left unanswered.

Following this 'briefing' there was a very limited opportunity for civil society organisations and unions to address the trade negotiations which are summarised as:

- being permitted to hand out written material to the table just prior to negotiators attending

- a few minutes were allocated to speak to only some organisations not all that wanted to present
- no questions or interactions were permitted with negotiators
- the limited time allocated to civil society was shared with several employer representatives despite their being allocated an entire day the day before and a further session that same afternoon

In stark contrast to the above approach to agreement making, Australia knows quite a lot about the European Union's position in the EU-Australia FTA discussions which are underway because their Government makes it publicly available on their website while the Australian Government keeps its demands and priorities a secret.

In relation to the visa classes created as a result of trade agreements and the subsequent issuing of those visas the Australian Government appears to have a real issue with transparency about the types, locations and numbers of visas issued and the work conditions and treatment of those temporary workers. Absent genuine scrutiny of this information the Australian public is deliberately hindered from understanding the impacts of these deals and how necessary they may be or how effective those provisions are.

Conclusion

Transparent, fair, and open trade negotiations are not a radical proposal nor are they unprecedented. The approaches taken by both the European Union and the WTO multilateral negotiations demonstrate that not only are they possible, but they are already successfully conducted using this approach elsewhere. That Australia continues to negotiate trade agreements in secret is a deliberate decision of Government and one that must change or else further public scepticism and opposition to trade agreements will continue to grow.