

## Re: Senate Inquiry on TPP 11

Thank you in advance for reading my submission.

I am concerned about the legally binding TPP- 11 trade treaty.

I once held the belief that past big international treaties were binding due to the fact that they had public welfare in mind. In direct contradiction to that belief this huge international treaty appears to be made to assist global corporations due to the adjunct of another legally binding provision the ISDS. The ISDS has overreach over most of this treaty. It allows global corporations to bypass our courts and to take legal action for compensation from our country possibly for huge amounts of money over our changes to laws in our country, if they affect their profits. The TPP-11 does not have public welfare as a primary concern.

I expect the number of global corporations that could be involved with us through this TPP-11 could be huge, in view of all of the countries involved in this massive agreement and the fact that covers almost all aspects of trade and services. This complexity increases the risk of the ISDS legal provision being used against us for compensation in the future, in my opinion.

The ISDS legal provision involved in this big contract is made to protect overseas corporations from loss of profits. The ISDS legal provision seems to be something like having a covenant or even a caveat on property. It will impede over our ability to make Legislation (Acts of law) for the future for fear of having legal action being taken against our country for financial compensation. Parliament will have to think twice about whether a law that may be necessary domestically or will it hurt overseas investors in many varied areas. That will stifle our countries growth for the future. It can stifle our autonomy and our democracy and the welfare and interest of Australians and our environment and many other areas where we ordinarily would have had the democratic will and voice of the people in decision making that is or should be carried through our elected parliament members. The people loose.

The European Court of Justice has recently ruled that ISDS legal provisions undermines national legal autonomy and that it is incompatible with Eu law.

There have been many objections by intelligent and noted organisations against having ISDS in the original TPP. I have also read some of the previous submissions to the previous TPP and I think that the sample I read they are also relevant to this TPP-11. The clause in the TPP-11 about countries being able to regulate does not mean countries can legislate new laws (Acts). I believe lists of countries laws have to be handed in at some point.

### **RISKS:**

The fact that the TPP covers so many areas exposes us to risks some direct and some indirect

#### **ENVIRONMENT Risks under TPP-11**

The TPP- 11 is bad for the environment. Many of the ISDS cases against countries for compensation are on environmental grounds. The Corporations are constructed to make money, irrespective of barriers. Therefore, when countries try to protect various parts of their environment it can be seen as a barrier to seek compensation for. Poorer countries fold as they can't afford the costs of compensation pay outs and consequently their environment and water become contaminated.

Richer countries like Germany have fought although it will probably cost them billions to have had Nuclear energy ended in their country.

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The corporations appear to have no concern for other countries environment nor the welfare of the people in countries they want to operate in.

The environment chapter is not fully enforceable and falls short as a protective measure. It does not directly mention or address Climate Change. Climate Change not addressed in this trade treaty seems wrong and favours the corporations doing business as usual. This is not reassuring with climate change at our doorstep in a land where bushfires start easily when temperatures soar.

The very recent bushfire in Sydney seems spurred on by winds and a hotter than usual autumn. It burnt a vast tract of land and came close to the Nuclear reactor in Sydney. A scare for people living in the vicinity although it is a low-level radioactivity Nuclear Reactor and used mainly to make medical goods. Reason enough, in my opinion, to rule out having high level radiation Nuclear Reactors in our country in the future with climate change extremes perhaps already making a start, apart from knowing the fact that radioactivity from meltdowns has a very long life.

Fukushima is apparently still leaking radiation into the Pacific. Climate change will ultimately cause expense to our Nation in the future, as it will create havoc and damage.

### **FOOD SECURITY AND RISKS UNDER TPP-11**

It appears that levels of radiation in some overseas countries food and water and milk spiked after Fukushima and some countries saw acceptable radiation levels for emergencies go above what the World Health Organization levels had listed as safe from the Codex Alimentarius.

Overall our Australian food grown here, for trade purposes, and our consumption, is generally uncontaminated, safe and nutritious. The clean green image of our food is a very big factor in why it is sought after overseas. We need to ensure that we do not let our food become contaminated by many of the things that have caused some of the countries overseas to have more contamination in food. Contributing factors to food contamination are contamination in soil, water, higher levels of pesticides in and on food and some countries even have levels of radiation due to nuclear energy accidents of the past.

We need to ensure that we have access to our own produce and that overseas corporations do not gain monopoly over our domestic markets. There is nothing to be gained if we become a nation that has ill health due to eating more unhealthy food. It would be bad for our health budget. Recently imported pomegranate seeds for consumption caused a hepatitis A outbreak. Apparently, this came from the same overseas supplier that was responsible for the Hepatitis A outbreak here only a couple of years ago, from their frozen berries. Overseas foodstuffs can obviously have problems

### **WATER SECURITY RISKS**

With more multinational operating in our country we also need to protect our water and waterways from contamination and also from the over granting of water to the mining sector. If mining increases to the extent suggested in trade, we need to rethink making grants freely to our water. Water allocations should be capped. It is not smart for our future as a trading nation, to give

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unlimited water grants to some sectors and leave farmers and agriculture and their potential food production ability drier for the future. Both mining and agriculture rely on water. Both produce commodities that are for the domestic market and export.

In reality, the mining sectors do have a history of contamination of varying degrees, wastewater, salinity, accidents, spills, major contamination and in cases even wilful negligence. Ultimately, as we will be a host nation to even more Multinational Mining Corporations under the TPP 11.

We need to be able to hold them responsible for damages. Bonds taken by governments in the past have proven inadequate sums of money in clean ups. Corporations claiming insolvency as Linc Energy did, after their massive contamination, would see the government paying approximately 80-million-dollar bill in restitution and cleaning the contamination. Legislation on Corporations working here appears inadequate and protective towards shareholders in insolvency cases. It seems the State government has had a legal battle on its hands to try to get some money back to help in restitution and clean up.

The recent Cadia Gold Mine massive toxic tailings dam wall collapse near Orange NSW apparently 2 months ago is apparently still not fully contained. This wall collapse appears an example of the way mining companies appear to cut corners and do not take adequate due care. The Lachlan river is apparently still at-risk atm.

### **ESSENTIAL SERVICES.**

The TPP-11 also seems bad for essential services. The trade in services section appears to freeze services at current levels preventing governments responding to the future. Time changes needs. It seems wrong that future governments hands are tied by this contract with making future decisions. Areas that need consideration are the financial services, energy services, vocational services, all of these services seem very problematic at the moment. The financial sector is showing its colours of profits over people at any cost in the Royal Commission. Thankfully we have not locked in our Laws to member countries of the TPP-11 yet

### **WORKERS**

The TPP states that workers can come into our country from various countries to work as temporary workers here. Labour market testing seems diminished. This is another problem in this contract. It creates less opportunities for our young people looking for work here. Last time I checked the young generation here have a huge unemployment figure. I fail to see how it will help our economy into the future if we have overseas people taking away more jobs here under this contract. Overseas people will most likely take the money they save out of our economy and back into their country. The legally binding TPP 11 is bad for workers' rights.

### **FINANCE**

The economic benefits of this TPP 11 seem negligible from what I have researched. The contract has a high liability factor included. If we want to protect anything via new legislation for the future and it affects corporations bottom line we will have to pay corporations compensation. That costs our country.

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I think that we would be much better off in the long term to have bilateral agreements as they pose less risk as they can be clearer and specifically targeted and they do not have the same potential to negatively impact our country

I would like to request that the productivity commission look into this treaty contract.

**CONCLUSION**

There may be some individual benefits here and there that appeal to certain sectors or people who will profit from this and will want it ratified.

This treaty though needs to be measured and assessed overall as a whole, as the whole body is a legally binding contract.

I thought about if there could be any benefits in this trade treaty for my children for the future. I came to the conclusion that the losses to their ability to live in a democracy where your voice is important in decision making is precious, as uncontaminated food and water is, as is having a society that cares for others and is not trying to take advantage of other people to make profits for a corporations shareholders, Australian jobs for Australians matter so that young people have something, and that protecting our environment from the ravages of climate change is necessary for future generations.

Think about the financial services sector. In the Banking Royal Commission, a woman that was being questioned thought it was merely common practice to take advantage of the public as long as the profits were made and the shareholders were making money.

I am worried about what may happen in the future to our once fair country.

It seems as though the whole content of this TPP-11 contract is enforceable under International Law. Public interest may conflict with the corporation's power of the ISDS legal provisions as this treaty appears mainly made for International corporations (investors) who trade with us under this treaty. I expect they can take legal action as they see fit, on any relevant details of the rather big contract if they feel we may have breached their ability to make profit at any time into the future. ISDS cases are decided by extrajudicial tribunals apparently using 3 corporate lawyers. They are concrete in the fact that they deal with the contract and the breach. It is not like our legal system here. The rulings are final and apparently cannot be appealed. I remember reading that the incidence of ISDS cases was rising and that corporations appear to take advantage of ISDS legal provisions.

I see quite a few areas of concern when you add everything together and I am genuinely worried.

I think this probably should not be ratified.

I think that that it is important that the productivity commission look into the TPP-11 before anything is set in stone.

Thank you  
Linda Link.