

I am concerned about the TPP-11, which has been renamed as the Comprehensive Progressive Trans-Pacific Partnership (CPTPP) but I see nothing 'progressive' about it. I urge you not to endorse the implementing legislation for the TPP-11.

The TPP-11 has still got many unfair but legally binding rules which suit major trans-national corporations and restrain governments responding to the interests of the public that democratically elected them. I understand that 22 clauses have been suspended from the original TPP, but not removed, pending the US re-joining the deal. This means that they could all be reinstated without any provision of testing to see if they have any national benefit for Australia. Many other harmful clauses remain, as listed below.

- The TPP-11 still gives special rights to foreign investors to bypass national courts and sue governments for millions of dollars in unfair international tribunals over changes to domestic laws, even if those laws are in the public interest. This is known as ISDS. I am aware of cases where corporations have recently sued governments over medicine prices, protection of the environment, protection of Indigenous land rights and even a rise in the minimum wage.
- The European Court of Justice has recently ruled that ISDS undermines national legal autonomy and is incompatible with EU law, and even a US Trade Representative has said that the US should withdraw from ISDS arrangements in the North American Free Trade Agreement because they are a threat to US domestic laws. Why then should the current Australian government happily agree to these same future restrictions?
- As a lifelong unionist I am also concerned about workers' rights: firstly the labour rights chapter is not fully enforceable in the same way as the rest of the agreement. Secondly the TPP-11 also has provisions for allowing more temporary migrant workers without first testing if local workers are available. This is contrary to the government's own claims that it has reintroduced such testing. Further current practice shows that these temporary workers are often exploited to the detriment not only of themselves but other Australian based workers they may be competing with.
- The chapters on trade in services which freeze regulation of services at current levels seem to be designed to restrict future governments re-regulating essential services like TAFE, energy services and financial services, even though there is strong evidence that the original de-regulation has resulted in massive fraud and other market failures.
- A major failure of the new TPP is in the environment chapter. Not only is it not fully enforceable in the same way as the rest of the agreement, but it does not even mention climate change. Foreign corporations can bypass national courts and sue governments for millions in unfair international tribunals over environmental laws.
- The international tribunals proposed under TPP-11 are not courts as are normally understood in Australia. Firstly even resorting to dispute resolution is so expensive that it would in itself be prohibitive no matter the justice of the cause. Further there are no guarantees of judicial or administrative independence and no appeals provision. Again this provision seems biased in favour of corporations and the personnel financially dependent on them.