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Committee Secretary
Joint Standing Committee on Treaties
PO Box 6021
Parliament House
Canberra ACT 2600

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Dear Chair and Secretary:

Thanks for the opportunity to lodge these remarks for your favourable consideration.

GeneEthics advocates, campaigns and educates for GM-free futures. Our constituency is over 14,000 Australians and overseas people.

We fully support a briefer version of AFTINET's recommendations to the committee, that government:

- Expedite the review of ISDS in the AANZFTA, to remove ISDS provisions;
- Negotiate bilateral side letters with individual ASEAN countries to exclude the application of ISDS to Australia in all trade agreements;
- Urgently implement a program with tight timelines, to review and revoke ISDS provisions in all trade and investment agreements with ASEAN countries, or to exclude ISDS provisions from applying to Australia.

It is shocking that Clive Palmer is able to sue the Australian Government for \$410 billion, thirteen years after Australia's plain cigarette packaging laws were enacted and nine years after the Act was upheld, despite Philip Morris's ISDS case. The government may have won but at considerable public cost. The time for change is now and there must be no further delay in removing ISDS provisions from all trade treaties or nullifying their effect.

Although extractive industries and environmental damage have been the main focus of ISDS cases to date, GeneEthics is concerned that new and emerging technologies might also soon trigger ISDS claims.

Vanguard technologies deliver some benefits but many also come with considerable risks, hazards and costs for society and its existential support systems. We must retain the power to say 'no' to those that will have unacceptable impacts, without the fear of ISDS reprisal.

For instance, the release of Genetically Manipulated and Genome Edited organisms – humans, animals, plants, insects and microbes – may require restrictions when the Precautionary Principle is applied, to protect environments, public health and society.

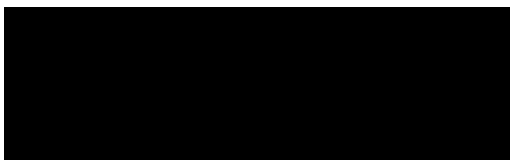
For instance, we could plausibly envisage a Gene Drive organism – developed in Australia with overseas commercial partners – being rejected for general release on environmental grounds. It may pose an unacceptable risk of biodiversity loss, ecosystem disruption, and species extinction, possibly forming the basis of an ISDS claim.

Similarly, some commercial uses of artificial intelligence, nanotechnology, robotics, drones, and heritable (germline) human genome manipulation in the IVF industry, are some examples of disruptive technologies that will challenge regulatory and policy settings.

If ISDS provisions remain in trade agreements, a proliferation of claims for denial or loss of commercial benefit could result from the rejection or restriction of new technological developments.

We therefore support AFTINET's recommendations that the removal or neutralisation of ISDS provisions in all treaties be made an urgent and immediate priority for the Australian Government.

Yours sincerely,

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Bob Phelps
Executive Director