

**NSW TEACHERS FEDERATION**

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Please address all correspondence to  
THE GENERAL SECRETARY

BY: .....

19 May 2004

In reply please quote: 611/2004/SE/ls

The Committee Secretary  
Joint Standing Committee on Treaties  
Department of House of Representatives  
Parliament House  
CANBERRA ACT 2600

Facsimile 02 6277 2219

Dear Secretary

Please find attached a submission from the New South Wales Teachers Federation on the USA –  
Australia Free Trade Agreement.

Yours sincerely

Barry Johnson  
General Secretary

612 93645297

**SUBMISSION  
FROM NSW TEACHERS FEDERATION  
TO THE JOINT STANDING COMMITTEE ON TREATIES**

**RE: UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT and ITS  
IMPLICATIONS FOR PUBLIC EDUCATION.**

The United States – Australia Free Trade Agreement (USAFTA) presents many threats to the integrity of public education in Australia, both for the immediate future and the ‘unknown quantities’ hidden behind vague language and bland assurances from its supporters in governments in both Canberra and Washington.

The collapse of the World Trade Organisation talks in Cancun, Mexico in 2003 placed renewed focus on the bilateral negotiations taking place between Australia and the United States. Developing countries have been resisting the General Agreement on Trade in Services (GATS), which would make all services tradeable commodities. Australia became a signatory to GATS in 1994.

GATS has some protections for public services such as education and health, but is extremely vague about the definition of public services. It defines them as “those not supplied on a commercial basis or in competition with other service providers.” Clearly education in Australia at all levels: pre-school, school, post-compulsory training and further education and university is already characterised by intense competition from the private sector.

It is within this context of the worldwide push for free trade in services that the USAFTA must be viewed.

The USAFTA contains a clause which states that:

“Australia reserves the right to adopt or maintain any measure with respect to the provisions of law enforcement and correctional services, and the following services *to the extent that they are social services established or maintained for a public purpose* (author’s emphasis): income security or insurance, social welfare, public education, public training, health and childcare.”

What is meant by “social services established or maintained for a public purpose” is not defined.

It has been widely reported in the Australian media that the advice being offered to the people of the United States is different to that given to Australians. The official US website of the Industry Sector Advisory Committee for Trade Policy Matters, Services states:

**“Education Services**

With only 1% of the degree granting institutions of the United States, Australia has achieved in excess of 30% of the US market share in education services and therefore is a major U.S. competitor. **This FTA succeeds in opening doors for US services in educational levels other than primary and paves the way for negotiations outside of the FTA in such areas as testing services.**” (author’s emphasis).

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## Agreement on Professional Services (Chapter 10 Annex)

This section is the greatest threat to public education in Australia.

The thin-edge-of-the-wedge optimism on the part of the United States is derived from the section of the Agreement on Professional Services (Chapter 10 Annex). In it, the parties agree to establish a **Professional Services Working Group** to facilitate encouragement of "the relevant bodies in their respective territories to develop mutually acceptable standards and criteria for licensing and certification of professional service suppliers and to provide recommendations on mutual recognition to the Joint Committee."

That a "professional service supplier" could well be a teacher is made clearer in the next paragraph, which states that these "standards and criteria may be developed" with regard to numerous matters. Those most likely to be relevant to education are shown below.

"(a) education – accreditation of schools or academic programs"

**Comment:** that is, for a school or academic program to be accredited, there may have to be a standard "acceptable" to the United States.

"(b) examinations – qualifying examinations for licensing, including alternative methods of assessment, such as oral examinations and interviews."

**Comment:** For a teacher to be deemed qualified ("licensed") there may have to be agreement about the types of examinations, assessments and interviews undertaken.

"(c) experience – length and nature of experience required for licensing"

**Comment:** This could mean agreement about training course length and practicum.

"(d) conduct and ethics – standards of professional conduct and the nature of disciplinary action for non-conformity with those standards

(e) professional development and re-certification – continuing education and ongoing requirements to maintain professional certification."

"(f) scope of practice – extent of, or limitations on, permissible activities"

## **Conclusion**

The NSW Teachers Federation these provisions of the USAFTA as a threat to the integrity of the provision of public education in this country, and urges rejection of the Agreement by the Parliament of Australia.