

AUSTA
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To the Joint Standing Committee on Treaties.

The stated objectives for the Australia - US FTA were, to quote Hon. Mark Vaile[VAILE]:

BY:

The Government will give a high priority to reducing the most significant market access barriers facing Australian exports, particularly in the agricultural sector. We will pursue a range of Australian interests in the US market covering all areas of the Australian economy - manufacturing, services, investment, government procurement, telecommunications and electronic commerce, intellectual property rights, and movement of people.

Reading the treaty text, it seems that the US negotiators had significantly different aims than the reduction of barriers to trade. In particular, the terms on Intellectual Property are aimed at expanding protectionism for the content (entertainment) software and drug industries, and removing our flexibility to respond to abuses by altering our laws or making exceptions.

It is interesting to note that the ACCC have opposed some of these Intellectual Property laws which we already have (the Digital Agenda Act). In all these industries, Australia is a net consumer by a significant ratio: hence our national interests align strongly with fair use and strong consumer rights and competition in intellectual property.

These clauses which strengthen monopolies (copyright and patents) are entirely out of place in a treaty aiming at reducing barriers to trade and harmonising arbitrary legal differences. In particular, we have not asked for similar protections for Australian products: eg. laws which prevent imitation of Australian wine flavours, for example.

I feel strongly that these articles (particularly Chapter 17) should be stripped from the treaty, possibly to be negotiated separately: they have no place in a free trade agreement. They are also entirely negative for Australia, as the interests being guaranteed enhanced legal protection are almost entirely based in the United States.

Sincerely,
Paul 'Rusty' Russell.

[VAILE] Vaile Announces Objectives for Australia - US FTA
http://www.trademinister.gov.au/releases/2003/mvt013_03.html