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19 May 2014

The Hon Andrew Robb AO, MP  
Minister for Trade and Investment  
Parliament House  
Canberra ACT 2600

Dear Mr Robb,

As you know, the Australian Fair Trade and Investment Network is a network of community organisations advocating for fair trade based on human rights, labour rights and environmental sustainability.

Our organisations, which together represent millions of Australians, continue to be gravely concerned about the impacts of the Trans-Pacific Partnership (TPP) Agreement being negotiated between Australia, the US, Japan and nine other countries. The continuing failure to conclude the negotiations, which have now entered their fifth year, indicates that many governments are unable to agree that the TPP is in their national interest. Leaked documents and continued media debate show that the health, social and environmental costs of the TPP could outweigh any trade benefits. The current stand-off between Japan the US over market access, and the failure of the US Congress to pass “fast track” legislation, shows that the most powerful players are dominating the negotiations. There is also mounting concern about the secrecy of the negotiations.

### **Public health costs of the TPP**

Proposals for extended patents on medicines would mean higher prices for new medicines for longer in Australia and would have even more severe impacts in developing countries. Other proposals in the agreement to limit the ability of governments to regulate medicine prices would undermine our Pharmaceutical Benefits Scheme (PBS), increasing costs to government and leading to pressure for higher prices at the chemist. Proposals for restricting government regulation of food, alcohol and tobacco labelling could reduce the policy space to adopt effective public health policies in the future.

A recent [Health Impact Study](#) of the TPP conducted by health academics from seven universities showed that these costs to public health could outweigh any economic benefits for Australia.

### **The TPP could allow foreign companies to sue Australian governments**

Investor-State Dispute Settlement (ISDS) allows foreign investors to sue governments in international tribunals if laws or policies can be claimed to “harm” their investment. The Philip Morris tobacco company is currently suing the Australian Government for damages over plain packaging legislation, despite the Australian High Court’s rejection of their compensation claim under Australian law. Attempts to “safeguard” health and environmental legislation from ISDS clauses have not been effective in other agreements, including the US-Peru free trade agreement and the Central American Free Trade Agreement. These same “safeguards” did not prevent the Renco lead mining company from suing the Peruvian government because it required the company to clean up lead pollution, or the Pacific Rim

company from suing the El Salvador government because it refused a mining license for environmental reasons.

The only effective way to ensure governments are not sued over public interest legislation is to reject ISDS clauses in all trade agreements.

### **The TPP could erode workers' rights and environmental protections**

Without enforceable workers' rights and environmental standards, trade liberalisation intensifies competition and leads to a race to the bottom on these standards. Leaked documents show that there is no agreement that labour rights based on International Labour Organisation Conventions, or environmental standards based on United Nations Agreements, will be legally enforceable in the same way as other provisions in the TPP. This is not acceptable.

### **Increased copyright provisions could mean higher costs and restrict internet use**

Proposals to increase copyright payment periods would mean higher costs for libraries, schools, universities and consumers. Other proposals would impose criminal penalties for internet users for acts like temporary storage of copyrighted data, but include no clear safeguards for legitimate use.

### **The TPP could reduce Australian content in media**

Australian content laws for audio-visual media ensure that Australian voices are heard and Australian stories are told, especially for our children. TPP proposals to reduce Australian content would result in erosion of our culture.

In summary, the risks and potential costs of these harmful proposals in the TPP are unacceptable. It is not in Australia's national interest for these public policies to be traded away in secret negotiations.

We call on the government to reject all of these harmful proposals in the TPP, and to release the full text of the agreement for public and Parliamentary scrutiny and debate before any Cabinet decision to endorse it.

We look forward to your reply.

Yours sincerely,



Dr. Patricia Ranald  
Convenor, Australian Fair Trade and Investment Network

This letter has been endorsed by 45 organisations (details on the following page).

**This letter is endorsed by the following organisations:**

**National**

Australian Fair Trade and Investment Network  
Australian Catholic Social Justice Council  
Australian Conservation Foundation  
Australian Council of Trade Unions  
Public Health Association Australia  
Friends of the Earth  
Greenpeace  
Gene Ethics  
Householders' Options to Protect the Environment (HOPE)  
Lock the Gate Alliance  
MADGE Australia Inc  
Catholic Religious Australia  
Catholics in Coalition for Justice and Peace  
Columban Mission Institute, Centre for Peace Ecology and Justice  
Sisters of Charity  
The Edmund Rice Centre for Justice and Community Education  
The Grail Global Justice Network  
APHEDA Union Aid Abroad  
AID/WATCH  
World Vision Australia  
Australian Manufacturing Workers Union  
Australian Nursing and Midwifery Federation  
Australian Services Union  
Australian Education Union  
Finance Sector Union  
National Union of Workers  
National Tertiary Education Union  
United Voice  
The Australia Institute  
Asian Women at Work  
Data Stream Pty Limited  
SEARCH Foundation  
TPP Australia.org  
WACA (Whistleblowers, Activists and Citizens Alliance)

**State and regional**

Combined Pensioners and Superannuants Association of NSW Inc  
Conference of Leaders of Religious Institutes in NSW  
NSW Retired Teachers Association  
NSW Nurses and Midwives Association  
State School Teachers' Union of WA  
Queensland Conservation  
Gecko-Gold Coast and Hinterland Environment Council Assoc Inc.  
Logan and Albert Conservation Association Inc (LACA QLD)  
Sutherland Shire Environment Centre  
Gladstone Conservation Council Inc  
Birds Queensland  
Alliance to Save Hinchinbrook Inc