



THE HON DR CRAIG EMERSON MP

MINISTER FOR TRADE AND COMPETITIVENESS

2 APR 2012

The Hon John Murphy MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600



Dear Mr Murphy

Thank you for your letter of 1 March 2012 regarding a petition submitted to the Standing Committee on Petitions about negotiations for the Trans-Pacific Partnership Agreement (TPP).

The petition covers many important issues in the TPP, and reflects a large body of correspondence that I have received since TPP negotiations commenced. I am happy to confirm the Government's position on these matters and confirm that I am mindful of the concerns that have been raised.

The aim of the TPP negotiations is to develop a comprehensive and ambitious 21st century free trade agreement which eliminates tariffs and other barriers to trade and investment. The TPP offers an opportunity to further enhance economic integration within the Asia-Pacific region, which in turn will help ensure that we continue to build a prosperous Australia that provides opportunities for all.

The Government sees the Pharmaceuticals Benefits Scheme (PBS) as an integral part of Australia's health system. Retaining the ability to ensure access to quality, affordable medicines for Australian consumers is a priority, and the Government will not accept an outcome in the TPP that would adversely affect the integrity of the PBS.

The petition also refers to giving 'special rights for corporations to sue governments'. This concern is around the inclusion of Investor-State Dispute Settlement (ISDS) provisions in the TPP. The Gillard Government's Trade Policy Statement, which was released in April 2011, made clear that Australia will no longer seek the inclusion of ISDS provisions in our trade agreements.

As to Australian content in film, television and digital media, the Government recognises that the audiovisual market has undergone significant transformation over the last decade and that this change is ongoing. The Government will continue to consider the policy implications of such changes, including through the Convergence Review of media and communications regulation.

The petition also raised a number of other issues including the labelling of genetically modified foods and government procurement. The Gillard Government's Trade Policy Statement also made clear that Australia will not support provisions in trade agreements that constrain our ability to regulate legitimately on social, environmental, or other similar public policy matters. Equally, the Government will not seek the inclusion of provisions that act as a disguised protection against imports.

The issues of trade and labour, and trade and environment, are under discussion in the TPP negotiations. Australia will continue to support provisions that uphold our international obligations on labour and the environment. Australia will not agree to any provisions that are inconsistent with our labour and environmental laws.

In relation to publication of the text of the agreement for public and parliamentary debate before ratification, the Government has taken every opportunity to engage with stakeholders, regardless of whether they are private individuals, civil society or corporate. As with other free trade agreement negotiations, we have called for written submissions and held regular frank meetings and teleconferences with stakeholders to provide updates on progress of negotiations and seek input. Regular updates are posted on the Department of Foreign Affairs and Trade website after the conclusion of each negotiating round. In addition, in accordance with the Government's treaty-making process, the final text of the TPP will be tabled in Parliament for twenty joint sitting days to facilitate public consultation and scrutiny by the Joint Standing Committee on Treaties (JSCOT) before binding treaty action is taken. Once tabled, the treaty text and an accompanying National Interest Analysis will be published on the JSCOT website and in the online Australian Treaties Library.

Thank you for bringing the petition to my attention, and providing me with the opportunity to respond.

Yours sincerely

Craig Emerson