

## SUBMISSION 7 – Mr David Thompson

By email: Mr David Thompson

Received: 6 July 2015

Joint Standing Committee on Treaties (closing date July 24)

Parliament House  
Canberra ACT 2600  
email: [jsct@aph.gov.au](mailto:jsct@aph.gov.au)

Senate Foreign Affairs, Defence and Trade Committee (closing date August 28)

Parliament House  
Canberra ACT 2600  
email: [fadt.sen@aph.gov.au](mailto:fadt.sen@aph.gov.au)

Dear Committee Secretariat

I do not support the China FTA when it allows for temporary migrant workers to be brought in from China and not be required to use or advertise for qualified workers here. This is absurd when we have skilled workers here, these temporary migrant workers would be vulnerable to exploitation as were the Schneider elevators Australasia employees when brought in under the 457 visa scheme and left for dead.

<http://m.theage.com.au/national/workers-in-visa-row-forced-to-sleep-in-office-union-claims-20150320-1m3v7q.html>

as well the exploitation of these workers:

<http://m.theage.com.au/victoria/skilled-filipino-migrants-were-given-illegal-contracts-20150510-ggv6sg.html>

My stepson-just finished his apprenticeship as an electrician, it took ESV nearly 3 months to approve his license because there were concerns how much domestic wiring was done in his apprenticeship.

But the China FTA allows for temporary migrant workers to come here without tests on their skill base. It shows little regard for skilled Australian workers here, this is not what we voted this government in to do for us - you should take notice and vote no to implementing this legislation.

more reasons to vote this down:

I do not support the China FTA because it allows Chinese companies to bring in most of their own workforce for projects over \$150 million with no requirement that jobs be offered to local workers

first. This will do nothing to reduce our growing rates of unemployment. The Agreement contains no commitments from either Government to enforce labour rights or environmental standards. I am also very concerned that Chinese companies may be able sue our government in international tribunals if they can argue that changes to our laws or policies adversely impact on their business.

The Memorandum of Understanding attached to the China FTA allows investors with projects of over A\$150 million with 15%-50% Chinese ownership to employ temporary migrant workers without testing if local qualified workers are available. This is a very low threshold that would include most construction and mining projects.

The project company can negotiate the numbers, occupations to be covered, English language requirements, qualifications and experience, and pay rates. Australian minimum rates and working conditions are meant to apply. But the minimum wage to be paid to the temporary migrant workers will be the subject of negotiation and may be less than the actual market rates paid to Australian workers in the industry. This means that a large proportion of the workforce could be brought in by the investor at lower than market rates. Their employment would be totally dependent on that employer, they would be isolated from the rest of the Australian workforce and would be vulnerable to exploitation.

The agreement also allows Chinese investors to sue the Australian government for damages in an international tribunal if they can argue that a change in domestic law or policy harms their investment. But the exact criteria that could be used for such cases is not spelt out in the agreement, but left to be negotiated in three years, and will be incorporated in to the agreement without voting by Parliament.

This means there is no definition of two of the most controversial aspects of ISDS, which are the definition of indirect expropriation and the definition of minimum standard of treatment for foreign investors. These are provisions which foreign investors have often used to sue governments under other agreements.

Although there are “safeguards” intended to protect health, environment and other public welfare measures, similar “safeguards” have not prevented foreign investors from suing over such measures. The Renco [3] lead smelting company is suing the Peruvian government over a court decision which ordered it to clean up and compensate for lead pollution The US Lone Pine [4] mining company is suing the Canadian government because the Québec provincial government conducted a review of environmental regulation of gas mining. The French Veolia company [5] is suing the Egyptian government over a contract dispute in which they are claiming compensation for a rise in the minimum wage.

The Australian Parliament is being asked to vote for the implementing legislation for this agreement without having the details of what these provisions may mean in the future. This is unacceptable.

Please stop the China FTA by recommending that Parliament vote against the implementing legislation.

Yours sincerely

David Thompson

Victoria