

Chapter 1

Referral

1.1 On 28 March 2018 the Senate referred the following to the Senate Foreign Affairs, Defence and Trade References Committee for inquiry and report by 18 September 2018:

The proposed Comprehensive and Progressive Agreement for Trans-Pacific Partnership, with particular reference to:

- a. Australia's economy and trade;
- b. Australia's domestic labour market testing obligations and laws regarding wages, conditions and entitlements of Australian workers and temporary work visa holders;
- c. Australian investment;
- d. the effect of Investor-State Dispute Settlement provisions;
- e. Australia's health, environmental, social and cultural policies, including regulation of essential services;
- f. rights for consumers; and
- g. any other related matters.¹

Conduct of the inquiry

1.2 Details of the inquiry were placed on the committee's website at: http://www.aph.gov.au/senate_fadt. The committee also contacted a number of relevant individuals and organisations to notify them of the inquiry and invite submissions by 31 May 2018. The committee continued to receive submissions after the closing date. Submissions received are listed at Appendix 1.

1.3 The committee held two public hearings, one in Melbourne on 30 July 2018 and one in Canberra on 20 August 2018. A list of the witnesses who gave evidence is available at Appendix 3.

1.4 Submissions and the Hansard transcripts of evidence may be accessed through the committee website.

Note on terminology

1.5 The full treaty name 'Comprehensive and Progressive Agreement for Trans-Pacific Partnership' will be referred to as TPP-11 throughout the report. Quotations from submissions and Hansard transcripts that use other variations (such as the acronym, CPTPP) have been left in their original form.

1 *Journals of the Senate*, No. 94—28 March 2018, p. 2980.

Acknowledgement

1.6 The committee thanks the organisations and individuals who participated in the public hearings as well as those who made written submissions.

Other inquiries

1.7 The Joint Standing Committee on Treaties (JSCOT) conducted an inquiry into the TPP which reported on 30 November 2016.² The Senate FADT committee also conducted an inquiry into the TPP which reported on 7 February 2017.³

1.8 The JSCOT conducted an inquiry into the TPP-11 and reported on 22 August 2018. The JSCOT inquiry held four public hearings, two in Canberra, and Melbourne and Sydney.

Reference to other inquiries

1.9 Much of the evidence received for the committee's current inquiry highlighted similar issues to those raised for both this committee's previous inquiry and for the two JSCOT inquiries. While the focus of this report is the evidence provided to the current inquiry, where it can assist to provide context or clarity, reference will be made to the evidence from the other inquiries.

Structure

1.10 This report is not an examination of all aspects of the Agreement but focusses instead on the issues of most interest to the participants in the inquiry. The report is structured as follows:

- Chapter 1 provides background information about the inquiry;
- Chapter 2 provides an overview of the TPP-11, including a summary of the anticipated benefits of the Agreement;
- Chapter 3 summarises the evidence received about the treaty making process and consultation undertaken during the development of the TPP-11, as well as economic modelling and broader assessment of trade agreements;
- Chapter 4 will summarise some of the key issues raised by submitters in relation to the terms of reference of the inquiry; and
- Chapter 5 presents the committee's conclusions and recommendations.

2 See Joint Standing Committee on Treaties, Report 165, *Trans-Pacific Partnership Agreement*, 30 November 2016.

3 Senate Foreign Affairs, Defence and Trade References Committee, *Proposed Trans-Pacific Partnership Agreement*, 7 February 2017.