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TPP-11 will still face scrutiny says lawyer

Andrew Hudson (Rigby Cooke Lawyers) · Tuesday, October 16th, 2018



A SENIOR trade lawyer says the Trans-Pacific Partnership still will be subject to a transparent review process before being implemented by the government.

The Maritime Union National Council recently passed a resolution describing the TPP-11 as enabling corporations to seek “unfettered access to Australian government contracts” and something that would “destroy Australian jobs”.

Partner for Rigby Cooke Lawyers Andrew Hudson said there was no doubt there was opposition to the terms of the terms of the TPP 11 as there was to the terms of the original TPP and other free trade agreements.

“Indeed, there was significant last-minute debate around the labour market provisions of the China – Australia Free Trade Agreement which needed to be resolved before implementing legislation was passed in the Senate,” Mr Hudson said.

“However, there is transparency around the completed deals before they come into effect.”

Mr Hudson said that once FTAs had been negotiated and completed they were open to review by the public and through the parliamentary process, both through the Joint Standing Committee on Treaties and then through the passage of legislation required to implement the FTAs.

“At all stages, affected parties can express their views, raise issues of concern and try to influence the progress of the FTA,” Mr Hudson said.

“In the case of the TPP11 (as with the TPP), the general view of the Agreement has been that the positives outweigh the negatives and that action should be taken to implement the Agreement and the Opposition recently adopted a position of support for legislation to implement the TPP11.”

Mr Hudson said the debate should be watched carefully to see if Australia joined other countries in taking steps to domestically ratify and implement the Agreement and what other assurances could be extracted to address any Australian concerns.

“Even then, the implementation of the agreement will be subject to scrutiny and review if it is found not to be working as intended,” he said.

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