



AFTINET Ltd
Level 1, 46-48 York Street
Sydney NSW 2000
Phone: 02 9299 7833
Fax: 02 9299 7855
Email: lsouthalan@piac.asn.au
Website: www.aftinet.org.au
ABN 83 659 681 462
ACN 097 603 131

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If you would like to contribute to the Bulletin, please contact Louise Southalan via email at lsouthalan@piac.asn.au or on (02) 9299 7833. Our website is <http://www.aftinet.org.au>.

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1. USFTA legislation: no changes to medicines amendment but some changes to copyright laws

It now appears that the US government is not pressing for changes to the ALP amendment to the USFTA implementing legislation on preventing delays in access to cheaper generic medicines.

However, recent media reports, including the one below, indicate that the US government is seeking changes to Australian copyright law before it will sign off on the USFTA.

The government is likely to introduce legislation to change Australia's copyright laws this week. At this stage they have not released details on what the changes will be.

2. US forces FTA change to copyright

16 November 2004, Australian Financial Review
Mark Davis, Political correspondent

The federal government has bowed to pressure from the US to toughen Australian copyright law as part of the free-trade agreement between the two countries.

Cabinet decided yesterday to introduce a series of changes to the Copyright Act in the next sitting of parliament that begins today, reflecting US concerns that Canberra's original legislation to implement the FTA did not fully honour Australia's undertakings on the issue.

A spokeswoman for Attorney-General Philip Ruddock said yesterday the amending legislation included minor and technical provisions that did not fundamentally change the agreement with the US.

She said the amending legislation would tighten the Copyright Act's criminal offence provisions, proof of copyright ownership and exemptions for people making temporary copies. The bill would also clarify the liability of internet service providers where alleged breaches of intellectual property were carried out online.

As part of the FTA, Australia agreed to a range of US demands to significantly strengthen the protection of intellectual property rights in Australia, reflecting concerns of the US media, publishing and entertainment industries.

The cabinet gathering was the first formal meeting of the senior ministry since the election. The government is understood to have also decided to reintroduce several anti-terrorism bills, including measures allowing the courts to hear evidence confidentially in prosecutions for terrorism offences where the Attorney-General certified national security would be jeopardised if evidence was heard in open court.

Other bills will introduce a National Water Commission and implement pledges to pay pensioners and self-funded retirees for utility costs.

Cabinet discussion was dominated, however, by talks on abortion. Several ministers are believed to have indicated that the coalition's recent public debate on the issue was politically damaging for the government.

Ministers spent about an hour discussing abortion as part of a general session on political strategy, government sources said. Some ministers are believed to have indicated to Health Minister Tony Abbott that his public statements on abortion were putting the government "between a rock and a hard place" politically by re-opening a divisive issue and distracting attention from reform.

One source said the consensus was in line with Prime Minister John Howard's call at the weekend for MPs to engage in "quiet discussion and reflection" on the abortion issue rather than high-profile debates.

3. Thai FTA: legislation likely to be voted on this week

The legislation to implement the Thai-Australia Free Trade Agreement was introduced to Parliament just before it rose in August. The bills were introduced before the Joint Standing Committee on Treaties completed its review and recommendations about whether Australia should implement the agreement.

It is not the first time that the Government has by-passed its own parliamentary review mechanism, which highlights why it is important for the Australian parliament to actually have the ability to review trade agreements and vote on them.

The Agreement contains a number of clauses which are of concern to AFTINET. We made a submission to the Joint Standing Committee (the draft was circulated to AFTINET members for comment beforehand and the submission is on the website www.aftinet.org.au). Our primary issues of concern were:

- the lack of community consultation
- the agreement's impact on regulatory capacity,
- the impact of tariff cuts in the vehicle and clothing industries on regional areas in Australia
- the lack of attention paid to the impacts of tariff cuts and other liberalisation on Thailand as a developing country
- the TAFTA agreement contains the same ambiguous definition of public services as the GATS agreement and USFTA, which means uncertainty about whether its rules apply to some public services
- the investor-state complaints process which gives corporations the right to complain to a trade tribunal and seek damages if their investments are harmed by a government law or policy

The ALP has stated that, while it has some criticisms of the agreement, it will be supporting it and will vote for the implementing legislation. It is likely that the legislation will be debated this week. AFTINET has written to members of parliament raising our concerns.

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4. AFTINET Sydney Seminar on China FTA: 7 December

A China-Australia Free Trade Agreement:

What about human rights?

A seminar organised by the Australian Fair Trade and Investment Network (**AFTINET**) and the Australian Manufacturing Workers' Union (**AMWU**).

The Australian and Chinese Governments are discussing a possible Free Trade Agreement. China is one of the fastest growing economies in the world and is already Australia's second largest trading partner. But the lack of basic workplace and human rights mean many Chinese people are not sharing the benefits of economic growth. In Australia, complete removal of tariffs could mean higher unemployment at a time when workplace rights are also being reduced. Both governments are considering only economic impacts. This seminar examines the social and human rights impacts in both countries.

With:

- Dr Patricia Ranald, Public Interest Advocacy Centre and AFTINET (Chair)
- Doug Cameron, National Secretary, AMWU
- Sean Cooney, Senior Lecturer in Law, University of Melbourne

Tuesday 7 December, 12pm-2pm

Jubilee Room, NSW Parliament House, Macquarie Street, Sydney

Light lunch supplied
RSVP to Katharine Slattery, **AFTINET**.
Phone (02) 9299 7833 or email kslattery@piac.asn.au

5. Melbourne Public Forum on WTO 29 November - "Reclaiming the victory of Cancun: what to do between now and the next WTO ministerial."

Nicola Bullard, Focus on the Global South
Monday 29 November, 6: 30 pm
Seminar Rooms 1 & 2, Level 7
Storey Hall*, Swanston St,
RMIT University

At the World Trade Organisation's (WTO) 5th Ministerial Meeting in Cancun 2003 developing countries stood up against the might of the United States (US) and the European Union (EU) and stopped the Doha round negotiations. Eight months later, pro-liberalisation forces have regrouped and the WTO negotiations have been relaunched.

Once again, the pressure for liberalisation of essential services like education, health and water (GATS) and industrial products is on the increase as rich country governments (like Australia, the US and EU) work hand in hand with corporate lobby groups to open up new markets. At the same time the US, EU and Japan are maintaining high levels of agricultural support in their own countries but pushing to open the agricultural markets of the South.

Across the globe communities and civil society organizations have opposed the liberalisation agenda of the WTO. Opponents of the WTO argue that rich countries and transnational corporations are the primary beneficiaries of WTO agreements. While the poor countries, marginalized people's and the environment loose out.

Nicola Bullard from Focus on the Global South will outline the developments in the WTO and consider civil society responses between now and the next WTO ministerial meeting to be held in Hong Kong in December 2005. Nicola's presentation will be followed by a discussion.

Nicola Bullard is the Deputy Director of Focus on the Global South, Bangkok. Nicola joined Focus in February 1997. Before that, she worked in Cambodia, Thailand and Australia with human rights, development, and women's organisations and with trade unions.

The forum is presented by Friends of the Earth and Globalism Institute, and supported by AFTINET.

Storey Hall faces Swanston St and is near the corner of Latrobe St. It has a distinctive green facade. As you come through the doors take the elevator to Level 7. For further queries, please contact:

damian.sullivan@foe.org.au or call Friends of the Earth on 9419 8700.

