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FOR IMMEDIATE RELEASE
OSIA welcomes Senate inquiry into CPTPP
Foreign Affairs, Defence & Trade References Committee inquiry will provide much needed perspective

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Open Source Industry Australia Ltd
29 March 2018

Open Source Industry Australia (OSIA) today welcomed the Senate's move yesterday to call an inquiry into the "Comprehensive & Progressive Agreement for Trans Pacific Partnership" (CPTPP). The inquiry, to be conducted by the Senate Standing Committee on Foreign Affairs, Defence & Trade (References Committee) will provide much needed perspective on this controversial and divisive treaty.

OSIA previously lodged a submission to the References Committee's 2016 TPP inquiry[1]. "Fifteen of the 27 issues we raised with the Senate Committee in 2016 still remain to the same extent in CPTPP", said OSIA Company Secretary Jack Burton. "The other twelve are only addressed temporarily by the 22 suspensions in CPTPP." OSIA will be lodging a submission to the Senate's new inquiry in due course.

Senators Griff & Patrick led the move to call the inquiry. "We commend the NXT Senators on taking the initiative to examine this troublesome treaty more closely", said OSIA Chairman Mark Phillips.

In 2015, Nick Xenophon himself described TPP as a "dud deal"[2], but he was not the only politician to criticise TPP strongly. Bob Katter called TPP the "greatest blow to democracy in 300 years"[3], Greens Senator Peter Whish-Wilson described it as "dangerous & undemocratic"[4] and at the time even the ALP's Melissa Parke described TPP's investor-state dispute settlement (ISDS) provisions as "really scary"[5].

Yesterday, only LNP Senator James McGrath sought to scuttle the inquiry, which he described as "unnecessary", citing as evidence DFAT's National Interest Analysis (NIA) and the 2016 JSCOT report[6].

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[1] Burton, J. & Foxworthy, P., *Submission to the Senate Standing Committee on Foreign Affairs, Defence & Trade regarding the Trans Pacific Partnership*, Open Source Industry Australia, 29 Oct 2016. Available at http://osia.com.au/f/osia_sub_201610_sscfadt.pdf

[2] http://www.abc.net.au/news/2015-10-06/pacific-nation-ministers-negotiators-lock-in-tpp-trade-deal/6829368

[3] https://www.bobkatter.com.au/media/letters/view/604/tpp-a-blow-to-democracy-just-corporate-colonialism-says-katter/media-releases

[4] https://independentaustralia.net/politics/politics-display/secretive-tpp-trades-away-future-says-whish-wilson,7172

[5] https://www.theguardian.com/australia-news/2015/may/22/labor-greens-and-crossbenchers-concerned-at-trans-pacific-partnership

[6] https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Treaties/TransPacificPartnership/Report_165

What Sen. McGrath neglected to mention is that NIAs simply aren't credible. As Burton said in his evidence before the 2016 JSCOT inquiry[7], "one would always expect an assessment prepared by the agency that negotiated a treaty to be in fairly glowing terms. To be of much probative use, it would be essential that economic analysis be undertaken on an arms-length basis by an independent body—perhaps by the Productivity Commission".

In 2016 JSCOT too was far from achieving consensus on TPP. Whilst the report of the majority government members supported ratifying TPP, the dissenting report of Greens Senator Sarah Hanson-Young was scathing of the treaty as a whole and the "additional comments" of the six ALP members of JSCOT were at best luke-warm on issues such as ISDS and labour market testing.

The 2016 Senate References Committee inquiry held no public hearings, preferring to receive only formal submissions. "We hope that this year's inquiry will not be so restricted," continued Phillips, "OSIA calls upon the References Committee to open the doors of its 2018 inquiry through public hearings."

About Open Source Industry Australia Ltd

Open Source Industry Australia Ltd (OSIA) represents & promotes the Australian open source software industry by:

- Ensuring that the Australian business, government and education sectors derive sustainable financial and competitive advantage through the adoption of open source and open standards;

- Helping Australian Governments to achieve world leadership in providing a policy framework supportive of open standards and of the growth and success of the Australian open source industry; and

- Ensuring Australia's global standing as the preferred location from which to procure open source services & products.

OSIA's members are organisations in Australia who invest in or build their future on the unique advantages of open source software.

☎ http://osia.com.au

🛈 Jack Burton
✉ PO Box 617, Marden SA 5070
☎ 08 8121 3075
📟 04 3828 7866
📠 secretary@osia.com.au

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[7]C'th, *Official Committee Hansard*, Joint Standing Committee on Treaties, Trans-Pacific Partnership (public), 2016, p. 30. Available at
http://parlinfo.aph.gov.au/parlInfo/download/committees/commjnt/a6fa4bc7-9c2e-4788-9378-e676fc0a3f53/toc_pdf/Joint%20Standing%20Committee%20on%20Treaties_2016_10_07_4491_Official.pdf;fileType=application%2Fpdf