



NEW ZEALAND COUNCIL OF TRADE UNIONS  
*Te Kauae Kaimahi*

**Submission of the  
New Zealand Council of Trade Unions  
Te Kauae Kaimahi**

to the

**Foreign Affairs, Defence and Trade Committee**

on the

**Trans-Pacific Partnership Agreement Amendment  
Bill**

P O Box 6645

Wellington

24 June 2016

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- 1.1. This submission is made on behalf of the 31 unions affiliated to the New Zealand Council of Trade Unions Te Kauae Kaimahi (CTU). With 320,000 members, the CTU is one of the largest democratic organisations in New Zealand.
- 1.2. The CTU acknowledges Te Tiriti o Waitangi as the founding document of Aotearoa New Zealand and formally acknowledges this through Te Rūnanga o Ngā Kaimahi Māori o Aotearoa (Te Rūnanga) the Māori arm of Te Kauae Kaimahi (CTU) which represents approximately 60,000 Māori workers.
- 1.3. We have previously made an extensive submission to you on the examination of the Transpacific Partnership Agreement (TPPA). We reiterate the many points we made in that submission, and record our disappointment at the lack of response in the majority report of the Committee to those points, other than to reiterate MFAT's deeply flawed National Interest Analysis.
- 1.4. This is only a brief submission, largely to ensure that there is no doubt that our opposition to the TPPA has not diminished. This legislation covers only a small part of the impact of the TPPA.
- 1.5. Regarding **Part 2** of the Bill, we are concerned that the extension of copyright protection to 70 years will restrict availability of works and increase their prices despite an extension being self-evidently unnecessary to encourage creative activity which is already sufficiently protected by copyright. It will predominantly be of benefit to corporate owners of copyright rather than individual authors and creative artists who in general are the real creators.
- 1.6. Regarding **Part 6** requiring publication on web sites of subordinate legislation such as regulations, we do not object to this and believe most such material is already published. However we note the cynical inconsistency and irony of greater availability of official information (of which this provision represents only a small part) for the corporate beneficiaries of the TPPA while the secrecy remains for citizens of New Zealand and other TPPA countries surrounding negotiations of such agreements and their associated official papers.
- 1.7. Regarding **Part 7** of the Bill, we note that it allows the Executive to take control of yet more of the Treaty making process by giving power to regulate for a key threshold in the Overseas Investment Act: the financial value of overseas controlled business investment below which no scrutiny of the investment under the Act may

take place. While the regulating power is limited to existing treaties, Parliament should retain this small vestige of control over the effect of treaties. At the very least it brings to public attention the extent of the effect of new investment agreements (or investment chapters of new international commerce agreements like the TPPA) on those existing agreements. In a constitutional sense it leaves with Parliament at least that modicum of control over the legislation implementing such agreements. At some future time it may wish to exercise that control.

- 1.8. Regarding **Part 8** of the Bill, we oppose the extension of monopoly protection on pharmaceuticals that is being legislated for in this bill. This can only raise prices and reduce availability in an area which is growing exponentially so the effects will multiply rapidly with time.
- 1.9. Finally, we note the further irony that while the Attorney General is required to carry out an assessment of the very limited scope of this Bill as to its consistency with the New Zealand Bill of Rights<sup>1</sup>, no serious human rights impact assessment was carried out of the full sweep of the proposed agreement itself where threats to human rights are found. This failure is despite such an assessment being called for by international experts such as Alfred de Zayas of the US<sup>2</sup>, an expert in human rights and international law who was appointed as the first Independent Expert on the promotion of a democratic and equitable international order by the UN Human Rights Council in 2012. We quoted his views at some length in our previous submission at paragraphs 9.33 to 9.35.
- 1.10. A human rights assessment should be part of a broader independent impact assessment of a treaty with the importance and domestic impact of the TPPA. In our previous submissions we called for an independent economic assessment, an independent health assessment, as numerous New Zealand health organisations and health professionals have called for, as well as environmental, Māori (including Treaty of Waitangi) and social (including gender) assessments. These calls have seemingly fallen on deaf ears.
- 1.11. We do not wish to appear before the Committee.

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<sup>1</sup> <http://www.justice.govt.nz/policy/constitutional-law-and-human-rights/human-rights/bill-of-rights/trans-pacific-partnership-agreement-amendment-bill>

<sup>2</sup> <http://t.co/qMi4N4tUof>