

March 1 2010



Review of Bilateral and Regional Trade Agreements
Productivity Commission
GPO BOX 1428
Canberra City ACT 2601

Via email: tradeagreements@pc.gov.au

Dear Commissioners

The Construction, Forestry, Mining and Energy Union (CFMEU) is Australia's main trade union in construction, forestry and forest products, mining and energy production. The CFMEU is a progressive trade union and has offices in all capital cities in Australia and in many major regional centres. The union has around 110,000 members and employs around 400 full time staff and officials.

Introduction

The CFMEU are grateful for the opportunity to make this submission and in doing so we endorse and support the submission lodged by the Australian Fair Trade and Investment Network (AFTINET). The following principles for the negotiation of trade agreements, that AFTINET propose, would provide a more transparent and democratic basis for Australia's trade negotiations;

- Trade negotiations should be undertaken through open, democratic and transparent processes that allow effective Parliamentary and public consultation to take place about whether negotiations should proceed and the content of negotiations.
- Before an agreement is signed, comprehensive studies of the likely economic, social and environmental impacts of the agreement should be undertaken and made public for debate and consultation. Parliament should debate and vote on the full text of trade agreements in addition to the implementing legislation
- Trade agreements should not undermine human rights, labour rights and environmental protection, based on United Nations and International Labour Organisation instruments.
- Trade agreements should not undermine the ability of governments to regulate on health, environmental, social and cultural issues in the public interest.

The CFMEU recently produced a paper entitled "*Australia's international trade commitments and the 457 visa*", this paper, which is attached, researches the background to the Government's recently stated position that it cannot give preference to permanent residents at the point of engagement or retrenchment in employment due to international trade commitments.

Regardless of the technical details of WTO rules and free trade agreements there is a clear public interest for Australian permanent residents having the security of preference at the point of engagement and retrenchment over temporary overseas labour.

The inclusion of the movement of natural persons in trade agreements, originally meant to cover the movement of traded goods and merchandise, means that if Australia's offer in the Doha Round is taken up then an important part of our sovereignty as a nation will be lost forever. The CFMEU urges that this offer be withdrawn as soon as possible.

In addition to the abovementioned AFTINET principles the CFMEU recommends the following to complement these, namely;

- All major trade agreements must not further limit the capacity of the Government to make effective policy in immigration. Trade agreements must not include the movement of temporary workers other than senior executives and managers; and no offers should be made by the Australian Government on 457 visa arrangements in any trade agreement.

Conclusion

The CFMEU understands that access to the Australian labour market is being sought in various free trade agreements either under consideration or in negotiation with countries in our region. In our view the appropriate mechanisms for governing access to the Australian labour market are through programmes of permanent migration which grant full citizenship rights and not through other means.

Yours faithfully

A handwritten signature in black ink, appearing to read 'John Sutton', with a stylized flourish at the end.

John Sutton
National Secretary
CFMEU