

Rt. Hon. Anne-Marie Trevelyan MP
Secretary of State for International Trade
Department for International Trade
3 Whitehall Place
London
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17th December 2021

Dear Ms Trevelyan

As NGOs, trade unions and civil society organisations from across the UK, we are writing to raise our concerns about the UK-Australia FTA. In particular, the impact of the deal on climate change and the lack of thorough scrutiny.

We are pleased that the UK-Australia deal excludes Investor-State Dispute Settlement (ISDS) clauses. ISDS clauses are incompatible with the UK's ambition on climate change, and restrict the ability of governments to regulate in the public interest. However, the deal contains a number of provisions, such as protection from indirect expropriation, which have proven very problematic in existing deals. We would also like to seek confirmation that the UK will not include ISDS in its accession to the Comprehensive and Progressive Trans-Pacific Partnership (CPTPP), since this would undo the benefits of omitting ISDS from the Australia deal.

Nevertheless, in the context of the UK presidency of COP26, presenting itself as a world-leader on climate change, a trade deal with Australia undermines the UK's climate ambition. Although the deal includes reference to the Paris Agreement on climate change, there are no binding and enforceable provisions to ensure implementation, and it was reported that Australia persuaded the UK to drop specific targets from the deal. We urge the Government to continue to work towards binding provisions in the deal.

Australia has a lamentable record on climate change, ranked last out of 193 countries in the latest UN-backed Sustainable Development report. It is home to some of the world's largest energy and mining companies, which have damaged the natural environment and contributed to climate change, and Australia's intensive model of agriculture has led to major deforestation.

We have concerns about the impact of the deal on the UK's higher standards, including on the environment, food, workers' rights and animal welfare. The approach taken in the UK's 'rollover' deals suggests that the labour chapter will lack enforceability, which could undermine the UK and other governments' efforts to achieve a just transition to a climate-friendly economic model.

Australian food production tends to follow lower standards than in the UK, including on animal health and welfare, which means that the FTA (and removal of tariffs) makes it easier for products which do not meet UK production standards to be sold in the UK. We are particularly concerned that the combination of wording in the SPS and good regulatory

practice chapters could make it difficult for the UK to keep its promise of maintaining bans on hormone-treated beef and chlorine-washed chicken. This is bad for consumers, farm animals and British producers, who rightly abide by higher standards. It could lead to downward pressure on the UK's world-leading standards.

The UK-Australia FTA must undergo rigorous public and parliamentary scrutiny. We welcome the increased role of the Commons International Trade Committee and Lords International Agreements Committee in scrutinising the deal. However, we are still concerned about the lack of parliamentary time afforded to debating the deal, the lack of a guaranteed vote for MPs on the deal, and the lack of adequate public consultation. Thorough consultation, on the final agreement as well as at the beginning of the process, is likely to be necessary to fulfil the government's international obligations under the Aarhus Convention, which requires consultation on all legislation with environmental impacts. Legislation to implement the deal should include the same protections on the environment, animal welfare, food standards, workers' rights and data rights as applies to 'rollover deals' in the Trade Act.

We are pleased to see that some progress has been made towards putting the Trade and Agriculture Commission (TAC) on a statutory footing. However, given that deals are now being signed, it is imperative that this process is expedited. A fully functioning TAC must give a seat to civil society organisations and have meaningful enforcement powers, such that deals can be delayed and amended in response to the commission's findings. It must also have a wider scope, to include scrutiny of impacts on food standards, climate, the environment and animal welfare.

We hope that these concerns can be addressed before the UK formally ratifies the deal, and we look forward to hearing your response.

Yours sincerely

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Nick Dearden, Director, Global Justice Now
Sarah Hirom, Director, One World Week
Asad Rehman, Director, War on Want
Dr. Doug Parr, Policy Director, Greenpeace UK
David Bowles, Head of Public Affairs, RSPCA
Kath Dalmney, Chief Executive, Sustain Alliance
John Puntis, Co-Chair, Keep Our NHS Public
Josie Cohen, Head of Policy and Campaigns, PAN UK
Sondhya Gupta, Campaign Manager, SumOfUs
Miriam Turner and Hugh Knowles, Co-Executive Directors, Friends of the Earth England, Wales and Northern Ireland
James West, Senior Policy Manager, Compassion in World Farming
Rob Percival, Head of Food Policy, Soil Association
Claire James, Campaigns Coordinator, Campaign Against Climate Change
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