



The Trans-Pacific Partnership A case study in the democratic deficit

“There is no room to simply trust existing or future Australian governments on trade matters because it is clear that merely through the stroke of a pen, politicians can transform and diminish the integrity of our education system.” Chris Watt IEU Federal Secretary.

The implementation of the TPP will fundamentally limit the capacity of Australian governments to protect and preserve the quality of education in Australia.

The IEU has joined with other national education unions, AEU and NTEU, and education unions internationally to condemn the Trans-Pacific Partnership.

A Threat To Quality Education

In a recent joint submission to the Joint Standing Committee on Treaties and in correspondence to Andrew Robb, Minister for Trade and Investment, the three education unions have highlighted the dangers of the TPP for education and for the community.

Significantly, the TPP agreement compels nations to commercialise public services such as education. It poses a direct threat to the provision of publically funded education through restricting the capacity of future governments to regulate in the public interest.

The delivery of foreign education providers (particularly in relation to post-secondary education) is an accelerating trend and significant questions must be raised about the capacity of Australian governments under the TPP to sustain a consistent regulatory framework to protect education as a human right.

In rebuilding the reputation of Australian international education after the 2009 collapse, the Australian government made significant regulatory changes around the registration, accreditation and quality assurances of providers and placed conditions and financial penalties affecting those providers.

These changes were strategically necessary to improve the quality of Australia’s international education industry.

However, under the TPP, such international post secondary providers would be able to sue the Australian Government due to the binding obligations that restrict governments’ capacity to regulate while allowing corporations to sue when laws interfere with corporation’s property rights and profitability

To protect the public interest, existing and future Australian governments, must be able to regulate and legislate across the education sector, without fear of paying compensation to foreign corporations.

No Consultation. No Mandate

Throughout the TPP negotiations, the Department of Foreign Affairs and Trade (DFAT) have made neither clear public pronouncements, nor provide the opportunity for dedicated meeting about the government's bargaining intentions in relation to trade in education goods and services.

In fact, if it were not for the media commentary preceding the finalisation of the text, education unions and the wider community would not have been aware that the TPP would include education provision.

The exclusion of civil society groups and trade unions from the debate means that the international obligations the government is committing Australia to may not be consistent with the view and values of everyday Australian citizens.

The Australian Government did not have the mandate to sign and commit existing and future generations of Australians to these binding legal obligations.

The IEU, together with the NTEU and AEU, reject any legislation that is created as a result of the TPP as an attack on Australia's democratic processes and call for comprehensive studies into the impacts of the TPP on Australian society.