

# TPP Effects Won't Be Felt For Years

Published in the Rural Weekly on Thursday, 22 October 2015

With agricultural exports totalling approximately \$38 billion per year, now more than ever the Australian agricultural industry is dependent upon global factors. As a consequence, the spate of recent free trade agreements, including the most recent Trans-Pacific Partnership Agreement, has received widespread attention and assessment.

Free trade agreements are simply treaties, a type of international law.

A treaty is an agreement between countries and may be:

- bilateral and between two (2) countries, for example the China-Australia Free Trade Agreement; or
- multilateral and between three (3) or more countries, for example the Trans-Pacific Partnership Agreement which is between twelve (12) countries, including Australia, United States of America, Canada, New Zealand and Japan.

The Australian Constitution empowers the Government, not Parliament, to enter into treaties. The signing of the Trans-Pacific Partnership Agreement by the Australian Government will be approved by the Federal Executive Council.

The signing of a treaty is a separate process to its ratification. Treaties are not directly or automatically incorporated into Australian law and must instead be ratified, that is approved domestically and legislation enacted to give it effect.

For example, the Department of Foreign Affairs and Trade has indicated that the Trans-Pacific Partnership Agreement (the wording of which is yet to be released) will be tabled in Parliament for twenty (20) joint sitting days together with the required National Interest Analysis, with the Joint Standing Committee on Treaties to also conduct an inquiry and report back to Parliament.

Signatories have up to two (2) years to ratify the Trans-Pacific Partnership Agreement and, even then, it will only enter into force if it is ratified by at least six (6) original signatories which account for 85% of the combined gross domestic product of the original signatories. Therefore, the effect of the Trans-Pacific Partnership Agreement will by no means be immediate.

As the global economy expands, farmers will need to increasingly consider the content of international law and its effect on local, state and national laws.

Jane is a Senior Associate and head of the Rural Law Team at Kelly Legal, and has a weekly column in the Rural Weekly dealing with agricultural and rural law. Jane can be contacted on 07 4911 0509 or [jane.young@kellylegal.com.au](mailto:jane.young@kellylegal.com.au)



**Mackay Office**  
Level 2

65 Sydney Street  
PO Box 1035  
Mackay Q 4740

**p** 0749 110 500

**f** 07 49 110 599

**Brisbane Office**  
Level 5

NSW Chambers  
33 Queen Street  
PO Box 13531  
George Street  
Brisbane Q 4003

**p** 07 3179 2700

**f** 07 3179 2799

[mail@kellylegal.com.au](mailto:mail@kellylegal.com.au)  
[www.kellylegal.com.au](http://www.kellylegal.com.au)

 @KellyLegalQld

 KellyLegalQld

 Kelly-legal

## Disclaimer:

The contents of this publication are not intended as professional legal advice. You should obtain independent legal advice before relying or acting on any statements, recommendations or opinions contained in this publication. Kelly Legal Pty Ltd cannot accept any liability or loss occurring as a result of anyone acting in reliance on any material contained in this publication.

© 2014 Kelly Legal Pty Ltd

**With you.**