

From: [REDACTED]
To: [Economics Committee \(SEN\)](#)
Subject: Sub 1. RE: Invitation to submit to the inquiry into Timor Sea Maritime Boundaries Treaty Consequential Amendments Bill 2018 and the Passenger Movement Charge Amendment (Timor Sea Maritime Boundaries Treaty) Bill 2018
Date: Tuesday, 18 December 2018 10:57:45 PM
Attachments: [image001.png](#)

Dear Mr Fitt

Many thanks for the invitation to make a submission to your Committee's inquiry into the above Bills. I assume this comes about as a result of my submission earlier this year to the Joint Standing Committee on Treaties on the boundary treaty which the Bills are intended to place Australia in a position to bring into force. The central point made in that submission was that the location of the boundary in that treaty would until relatively recently have been viewed in governmental circles as an exceptionally poor outcome for Australia, leading me to query why this was not even acknowledged in the National Interest Analysis and the change of approach was not properly explained. A similar submission of mine to the same Committee in 2007 on a previous treaty with East Timor made the argument that a more intelligent policy could likewise have resulted in a much more advantageous outcome for Australia.

Any chance of achieving those advantages has however, been irretrievably lost as a consequence of a series of events in the intervening period, culminating in the signature of the 2018 treaty. From my different perspective, I thus agree with the explanatory memorandum to the Bills when it contends that it would be damaging to Australia's international standing to prevent the 2018 treaty entering into force by not passing these Bills. I would merely add that this would compound the earlier, and as far as the boundary itself is concerned now irreparable, damage to the national interest from the counterproductive post-1999 policy, and the Bills are hence a necessary exercise in damage limitation.

So, as long as the Bills are faithful to the 2018 treaty – and from my hasty reading of them and the explanatory memorandum, there is no reason to believe otherwise, although non-obvious errors of drafting cannot be ruled out – I am afraid I do not think I can be helpful to the Committee on this occasion. That said, if you wish to treat this e-mail itself as a submission, I would have no objection to that.

Kind regards

Andrew Serdy

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