

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

Joint Standing Committee on Treaties

**Multilateral Agreement on Investment:  
Interim Report**

**14th Report**

May 1998

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ISBN

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## COMMITTEE MEMBERS

Mr W L Taylor MP (LP, QLD) (Chairman)\*

Mr R B McClelland MP (ALP, NSW) (Deputy Chairman)\*

Senator E Abetz (LP, TAS)\*

Senator V W Bourne (DEM, NSW)\*

Senator H Coonan (LP, NSW)<sup>1</sup>

Senator B Cooney (ALP, VIC)<sup>2\*</sup>

Senator S M Murphy (ALP, TAS)<sup>3\*</sup>

Senator W G O'Chee (NP, QLD)\*

Senator the Hon M Reynolds (ALP, QLD)<sup>4\*</sup>

Hon D G H Adams MP (ALP, TAS)

Mr K J Bartlett MP (LP, NSW)\*

Mr L D T Ferguson MP (ALP, NSW)\*

Mr G D Hardgrave MP (LP, QLD)\*

Ms S B Jeanes MP (LP, SA)<sup>5\*</sup>

Hon P J McGauran MP (NP, VIC)<sup>6\*</sup>

Mr A C Smith MP (LP, QLD)\*

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<sup>1</sup> Replaced Senator the Hon C Ellison (LP, WA) from 26 February 1997.

<sup>2</sup> Replaced Senator K Carr (ALP, VIC) from 4 December 1996.

<sup>3</sup> Replaced Senator K Denman (ALP, TAS) from 12 December 1996.

<sup>4</sup> Replaced Senator B J Neal (ALP, NSW) from 5 March 1998.

<sup>5</sup> Replaced Mr C W Tuckey MP (LP, WA) from 24 September 1997.

<sup>6</sup> Replaced the Hon W E Truss MP (NP, QLD) from 23 October 1997.

\* Member of MAI Sub Committee.

## **COMMITTEE SECRETARIAT**

**Committee Secretary**      Mr Peter Stephens

**Research Officers**          Mr Bob Morris  
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## TERMS OF REFERENCE

- The potential consequences for Australia arising from the matter known as the MAI.
- Advantages and/or disadvantages for Australia arising from the MAI currently being negotiated in secret by the Australian Government at the Organisation for Economic Co-operation and Development, with particular reference to:
  - (a) the ability of countries to impose conditions on foreign investment;
  - (b) the ability of countries to establish limits on foreign investment;
  - (c) the implications arising from the 'roll back' and 'standstill' provisions;
  - (d) the ability of countries to pursue social, environmental, labour, cultural, human rights and indigenous protections and the impacts for each of these sectors resulting from foreign investment regimes under the MAI;
  - (e) any implications for Australia's national debt and current account deficit of the growth in foreign investment the MAI is expected to bring;
  - (f) the MAI's dispute handling procedures;
  - (g) the issue of the constitutionality of the MAI for Australia;
  - (h) the impact on agricultural and manufacturing sectors;
  - (i) the impact on State, Territory and local governments; and
  - (j) the impact on Australian investors seeking to invest overseas.





## **RECOMMENDATIONS**

The Joint Standing Committee on Treaties recommends that:

Australia not sign the final text of the Multilateral Agreement on Investment unless and until a thorough assessment has been made of the national interest and a decision is made that it is in Australia's interest to do so (paragraph 1.69); and

The Committee continue its public inquiry into the MAI and provide a fuller report to Parliament at a later date (paragraph 1.70).

# INTERIM REPORT

## **The Multilateral Agreement on Investment**

1.1 The Multilateral Agreement on Investment (MAI) is an international treaty on foreign investment which is currently being negotiated by members of the Organisation for Economic Co-operation and Development (OECD). The treaty will be open to all OECD members, the European Community, and to non-members willing to meet its obligations.

1.2 The objective of the MAI is to provide a broad multilateral framework for international investment with high standards for the liberalisation of investment regimes and investment protection and with effective dispute settlement procedures.<sup>1</sup>

1.3 Negotiations commenced in May 1995 at the OECD Ministerial Council Meeting. In May 1997 these were extended for a further year. In April 1998 the OECD Ministerial Council announced a pause in negotiations until October 1998 with a view to narrowing the 'very wide differences'<sup>2</sup> which have emerged between the negotiating parties and to allow for a period of further consultation 'with interested parts of their societies'.<sup>3</sup> The next Ministerial Council meeting is scheduled for April/May 1999.

1.4 In Australia the MAI received limited publicity until late 1997. Public attention increased in early 1998 when the agreement attracted: increased media attention focusing on concerns of organisations and individuals about the potential impact of such an agreement; complaints that the MAI was being negotiated 'in secret'; and wide-spread views that there was limited information available from official government sources. There was some reporting also of the controversial public debates about the MAI that had occurred in other countries including Canada, the United States of America, France, New Zealand and the United Kingdom.

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1 Submissions, p. 1294.

2 Submissions, p. 1284.

3 Submissions, p. 1294.

## Referral to the Committee

1.5 The Resolution of Appointment of the Joint Standing Committee on Treaties (JSCT) allows it to inquire into and report upon any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by either House of the Parliament, or a Minister. This is the first time since the JSCT was formed that a draft or proposed treaty has been referred to the Committee for investigation.

1.6 On 5 March 1998, the Minister for Foreign Affairs, the Hon Alexander Downer MP, referred the matter in the following terms to the Committee for inquiry and report:

- *the potential consequences for Australia arising from the matter known as the MAI.*

1.7 The Minister called for an interim report by 25 May 1998.

1.8 The Committee formally adopted the inquiry on Tuesday 10 March 1998 and agreed to advertise the terms of reference in the national press and on the internet.

1.9 The inquiry was advertised in the Australia Financial Review on Friday 13 March 1998 and in the following newspapers on Saturday 14 March 1998: *The Weekend Australian, Adelaide Advertiser, Brisbane Courier-Mail, Launceston Examiner, Canberra Times, Centralian Advocate, Northern Territory News, Hobart Mercury, Melbourne Age, West Australian* and the *Sydney Morning Herald*. Submissions were called for by 30 April 1998.

1.10 On 9 March 1998, the Senate referred the same matter in the following terms to the Committee for inquiry and report:

- *Advantages and/or disadvantages for Australia arising from the MAI currently being negotiated in secret by the Australian Government at the Organisation for Economic Co-operation and Development, with particular reference to:*
  - (a) the ability of countries to impose conditions on foreign investment;*
  - (b) the ability of countries to establish limits on foreign investment;*
  - (c) the implications arising from the 'roll back' and 'standstill' provisions;*

*(d) the ability of countries to pursue social, environmental, labour, cultural, human rights and indigenous protections and the impacts for each of these sectors resulting from foreign investment regimes under the MAI;*

*(e) any implications for Australia's national debt and current account deficit of the growth in foreign investment the MAI is expected to bring;*

*(f) the MAI's dispute handling procedures;*

*(g) the issue of the constitutionality of the MAI for Australia;*

*(h) the impact on agricultural and manufacturing sectors;*

*(i) the impact on State, Territory and local governments; and*

*(j) the impact on Australian investors seeking to invest overseas.*

1.11 The Senate requested a report by 25 May 1998.

1.12 After the reference was forwarded to the Committee, it was adopted at its next deliberative meeting on Tuesday 24 March 1998.

1.13 Given that the Minister's and Senate's terms of reference are not mutually exclusive, they will be investigated as one inquiry.

### **Submissions**

1.14 To date there have been some 792 submissions lodged with the inquiry. A list of submissions received appears at Appendix 1. We believe that many other organisations and individuals intend to put submissions before the Committee. We thank all those who have prepared a submission for the inquiry.

1.15 The Committee has also received some 380 form letters, or pro forma letters with variations, opposing signature and/or ratification of the MAI. Although these will not be treated as submissions and authorised for publication, we note the concerns expressed in them.

## **Public hearing**

1.16 On 6 May 1998 the Committee held its first public hearing in Canberra. Details of witnesses are included at Appendix 2. We expect to hold further public hearings throughout Australia in the next few months.

## **Reporting date**

1.17 It is impossible for the Committee to conduct an appropriate inquiry on an issue of such complexity within the very short time frame requested by the Senate. To attempt to do so would prevent adequate consideration of the issues and would preclude many Australians from making their views known to the Committee on this important matter.

1.18 Already it is clear that there is widespread interest in, misinformation about and concerns arising from the proposed MAI. More submissions are being received as information about the inquiry spreads. The Committee is keen to maximise the opportunity for organisations and individuals to make submissions. We do not wish to create any perceptions in the community that debate is being curtailed or stifled in any way, nor to be seen to be restricting the opportunity for public input into the process of parliamentary scrutiny in treaty-making which was one of the first major policy initiatives of the present Government.

1.19 State and Territory Governments are also in the process of determining their positions in relation to the MAI and we would want to incorporate their thinking into our deliberations. To date, only Victoria has made its views known and South Australia has reserved its position.

1.20 Consequently, this report is intended to be an interim report only in meeting the 25 May remit. A more complete report will be made to the Parliament after we have taken further evidence and had a greater opportunity to consider the wide range of issues raised or likely to be raised.

## **Consultation**

1.21 It is appropriate and timely in this interim report to remind Commonwealth Departments and Agencies of the rationale for the Government's reforms to the treaty making process. In his statement to the House of 2 May 1996 on this matter, the Minister for Foreign Affairs, the Hon Alexander Downer MP, stated that these changes will provide proper and

effective procedures enabling Parliament to scrutinise intended treaty action. Importantly, he stressed that they will overcome what the Government considers to have been a 'democratic deficit' in the way treaty-making has been carried out in the past.

1.22 Consultation underpins these reforms, and the Committee reiterates the parameters set out by the Minister:

[These measures] will also ensure that every Australian individual and interest group with a concern about treaty issues has the opportunity to make that concern known. Consultation will be the key word, and the Government will not act to ratify a treaty unless it is able to assure itself that the treaty action proposed is supported by national interest considerations.<sup>4</sup>

1.23 This is not the first report in which we have needed to spell out our expectations of consultation. Nor do we expect it to be the last.

1.24 The submission from the Treasury asserts that, since the outset of MAI negotiations in 1995, Australia has undertaken a 'very wide ranging and extensive consultative process'. In support, the submission notes that the Treasury has:

- briefed and consulted all relevant Commonwealth Government departments;
- briefed and consulted all State and Territory governments on the MAI;
- provided information to and sought comments from NGOs and industry and other umbrella organisations;
- briefed parliamentarians and their staff; and
- distributed information on the MAI to the wider public through posting MAI documents and briefings on their Internet sites.<sup>5</sup>

1.25 Our impression at this early stage of the inquiry is that the Treasury's assertions about a 'very wide ranging and extensive consultative process' considerably overstates the reality. At the public hearing on 6 May 1998, we were unable to obtain a complete (and coherent) picture of the nature and extent

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<sup>4</sup> House of Representatives, Parliamentary Debates, 2 May 1996 p. 231.

<sup>5</sup> Submissions, p. 1302.

of consultations to date and received insufficient information to justify such a strong claim. The message from many submissions so far received is that consultation has been inadequate.

1.26 The Treasury submission lists the NGOs and consulted bodies which are restricted to selected peak bodies only. These include: the Australian Conservation Foundation, the Australian Chamber of Commerce and Industry, the Australian Bankers Association, the Australian Consumers' Association, the Education Union, the Australian Vice Chancellors' Committee, the Australian Council of Trade Unions, the Australian Mining Industry Council and the Business Council of Australia. We have asked Treasury to provide an indication of when and how these groups were consulted to add to our understanding of what has occurred.

1.27 There are many other organisations with an interest in this agreement as the breadth of submissions to this inquiry indicates. Indeed, the Australian Conservation Foundation makes the point that:

The current text of the MAI reflects the groups who have had the most input into it. In the Australian context, Treasury officials provided information and briefing to business groups about this agreement years before groups representing other sectors of society or even elected representatives. This is clearly an unacceptable process for such a far reaching agreement, and Treasury should immediately establish a process for a range of community organisations to be briefed and provide advice to negotiators about the impact of the MAI.<sup>6</sup>

1.28 The Committee acknowledges that briefing sessions have been provided for parliamentarians and their staff, but questions whether these were an attempt at genuine consultation with the Parliament by the Treasury in the development of the MAI or whether they were merely information-providing in response to the mounting public and political criticisms of the agreement. We note that, up until 31 March 1998, certain select bodies were in the privileged position of 'being consulted' and were given access to the draft negotiating text and other material at a time when it was denied to the Australian Parliament and the public.

1.29 The placement of information on the internet is a positive step, although internet access remains limited. We note that the draft negotiating text and the list of exceptions were only accessible through the Treasury site after 31 March 1998 when these documents were tabled in Parliament.

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6 Submissions, p. 1766.

## Commonwealth - State consultation

1.30 Although the MAI is likely to have significant ramifications for the States and Territories, Commonwealth consultation with the States and Territories to date has been inadequate. The Premier of Victoria, the Hon Jeff Kennett, described the information provided to the States and Territories as 'limited'.<sup>7</sup>

1.31 It is important that the Treasury corrects this inadequacy in view of the areas of state responsibility potentially affected by the MAI. These include: investment incentives and industry development, privatisation, government business enterprises, labour standards, land use, environment regulation, social services and the arts. Dispute resolution under the MAI may also impact on the liability of the States and Territories.<sup>8</sup> It is possible that other areas may be affected.

1.32 The Treasury stated that the States and Territories were being consulted 'well before February 1998'<sup>9</sup> and that it had 'briefed and consulted' all State and Territory governments on the MAI, with a particular focus on identifying those particular laws and policies that may not conform with the draft MAI obligations.<sup>10</sup> When pressed to provide fuller details of these consultations the Department was less certain of the details. It would appear that certain written material was provided to the States and Territories early in the negotiations and a meeting took place in 1996, the details of which were unavailable at the May 6 public hearing.<sup>11</sup> Further meetings took place between March and April 1998 but the Treasury was unable to provide any detail at the public hearing and indicated that records of these meetings appeared to be in the form of hand written notes.

1.33 It is unsatisfactory that substantive records of consultations with the States and Territories were not kept on such a major issue, particularly if this constituted part of the formal consultative process. Whilst we await further details from the Treasury, we question whether the meetings were briefings rather than detailed consultation.

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7 Submissions, p. 1912.

8 Submissions, p. 1911.

9 Transcript, 6 May 1998, p. 16.

10 Transcript, 6 May 1998, p. 8.

11 Transcript, 6 May 1998, p. 10.



1.34 DFAT indicated that MAI was now on the agenda of the national trade strategy which involves six monthly meetings with officials<sup>12</sup> and that, in October 1997, the Standing Committee on Treaties Meeting (SCOT) was briefed by the Chairman, a First Assistant Secretary from the Department of the Prime Minister and Cabinet<sup>13</sup> (ie not the lead department).

1.35 The principles of Commonwealth-State consultation provide that the Commonwealth should, where a treaty is of importance and sensitivity to the States, seek and take into account the views of the States and Territories:

- in formulating Australian negotiating policy, and
- before becoming a party to or indicating acceptance of a treaty.<sup>14</sup>

1.36 The reforms to the treaty making process included the establishment of the Treaties Council, consisting of the Prime Minister, Premiers and Chief Ministers which meets at least once a year to consider treaties and international instruments of particular importance to the States and Territories. The MAI should be a matter of undoubted interest to the Treaties Council in view of its application across the federal system.

1.37 There is also a Standing Committee on Treaties (SCOT) consisting of senior Commonwealth, State and Territory officers which meets at least twice a year. Its role is to identify treaties of importance to the States and Territories; to decide if a matter needs to be considered by the Treaties Council, a ministerial Council, a separate intergovernmental body or if other consultative arrangements ought to be put in place; to ensure appropriate information is provided to the States and Territories and to co-ordinate the process for nominating State and Territory representation on delegations where appropriate.

1.38 Australia's paper on the application of the MAI to all levels of government submitted to the Negotiating Group in February 1997 informed the OECD that the new treaty making process, which articulates a role for the States and Territories, provides scope for Australia to apply the MAI commitments at all levels of government, provided the agreement has

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12 Transcript, 6 May 1998, p. 59.

13 Transcript, 6 May 1998, p. 64.

14 Principles & Procedures for Commonwealth-State Consultation on Treaties para 3.1.

satisfactory scope and balance of commitments which meet Australia's objectives and interests. An important part of this will be the 'acceptability of the MAI to the States and Territories.'<sup>15</sup>

1.39 Our preliminary evidence tells us that the current framework for consultation with the States and Territories on the MAI is inadequate. Although it has been discussed by SCOT on at least one occasion, the Commonwealth needs to make a greater effort to inform, involve and register the emerging concerns of the States and Territories. In the Victorian Government submission, the Premier, the Hon Jeff Kennett, is critical of the Commonwealth for unsatisfactory consultation:

In view of these potential ramifications, I am surprised and concerned about the lack of involvement of the States up to this point in relation to the MAI negotiations.....While the Commonwealth has provided Victorian officials with some briefings since MAI negotiations began in mid-1995, the process should have involved more consultations, along the lines of those which I understand are provided by the Canadian Federal Government to the Canadian Provinces. In view of the importance of this matter, it is now timely and necessary to establish a continuous process of detailed consultation between senior Commonwealth and State officials.<sup>16</sup>

1.40 We agree with the Premier's views. Indeed, the scope of the MAI is such that it would have been appropriate for the States and Territories to be represented on the negotiating team from the outset.

1.41 The fact that Australia's preliminary exceptions do not include State/Territory matters suggests that the States and Territories are not, as yet, sufficiently aware of the implications of the MAI to develop their views on the potential impact of such an agreement. It is also an indication that their concerns have not yet found their way into Australia's negotiating position, some three years after the process commenced at the OECD.

1.42 Questions also remain about the impact of the MAI on local government. If this is the case, as several submissions claim, then local government too ought to be involved closely in the consultative process. We note that the list of organisations consulted to date omits this level of government.

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15 Submissions, p. 1314.

16 Submissions, pp. 1911 - 1912.

### Issues raised in submissions

1.43 The overwhelming number of submissions oppose or express concerns about particular aspects of the MAI. Many are brief and provide no commentary on the agreement itself, but express broad views that the MAI will reduce Australia's sovereignty and allow multinational corporations to plunder Australian assets with no corresponding obligations on them.

1.44 Many are critical of the lack of consultation by the Australian Government and the difficulty in obtaining information about the MAI, in particular, the embargo which had been placed on the draft negotiating text until recently. This has contributed to a level of concern and provided the climate for misinformation to circulate. The Premier of Victoria noted that:

the lack of information from the Commonwealth has, I think, exacerbated public concern about the potential effects of the MAI, a concern which has been manifested in Parliamentary questions and letters from members of the public.<sup>17</sup>

1.45 The following is a summary of issues of key concern surrounding the MAI which have been raised in submissions but on which the Committee has not yet formed a view. These, and others, will be investigated and reported on in more detail in a further report when we have taken more evidence.

1.46 A number of submissions are opposed to increased foreign investment because it is seen to carry more disadvantages than advantages for Australia. It is argued that an increase in foreign investment results in a net loss to taxation revenue, an increase in the balance of payments deficit through dividend repatriation, an increase in unemployment and a general lowering of living standards.

1.47 Many submissions criticise the draft MAI itself for restricting Australia's ability to legislate and pursue our own policies in a number of areas including: the environment, labour standards and employment conditions, culture, media and communications, quarantine, social policy including health care and education, the rights of indigenous Australians and human rights, amongst other matters. There is opposition to the inability to restrict foreign ownership, particularly of privatised entities, and the impact on the integrity of the immigration system if Australia is obliged to grant entry to the employees of investor companies. Articles in the MAI to eliminate performance requirements

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17 Submissions, p. 1911.

are criticised because this will result in the inability of Commonwealth, State and Territory and local governments to pursue industry or regional development initiatives which are desirable. At the same time, countries in our region which are not party to the MAI would not be so restricted and would retain a competitive advantage.

1.48 Although the Government has signalled its list of preliminary exceptions and indicated that this list is expected to grow as the States and Territories make their views known, this provides little comfort to many who have lodged submissions so far. The 'rollback' provisions, coupled with the commitment by parties to the MAI not to impose further restrictions on investment, provide evidence that, whatever exceptions are taken out now, will become meaningless if they are gradually wound back.

1.49 The privileged position accorded investors under the agreement is also criticised in many submissions. They consider that the MAI facilitates a shift of power away from sovereign governments towards multinational corporations by enshrining in international law a series of rights for investors without any corresponding binding responsibilities. This is reinforced by allowing corporations to sue sovereign governments. At the same time, the dispute resolution mechanism is criticised for being exclusive and not allowing affected parties access to it.

1.50 Arguments are made that the MAI will have a detrimental effect on many developing economies which will be unable to withstand the negative implications of such an agreement. There is criticism also that a representative number of developing countries do not have access to the negotiating process in the OECD.

1.51 The withdrawal provisions as they currently stand are opposed on the grounds that they unduly bind governments: withdrawal may occur any time after five years from the date the agreement enters force, but the provisions of the MAI continue to apply for a further 15 years.

1.52 Some submissions support the draft MAI or the need for some type of multilateral investment agreement, though many also raise particular concerns or unresolved questions about the draft MAI. In general terms, in such submissions the MAI is seen as a positive step because it provides certainty and transparency in relation to investment laws. Foreign investment, it is argued, has many advantages for economies. It brings with it an exchange of new technology and management and labour force skill, export markets and increased employment. Foreign investment leads to increased domestic and world economic growth and improved living standards.

1.53 There is some support in submissions for transferring negotiations for an international investment treaty from the OECD to the World Trade Organisation (WTO).

### **The Treasury's evidence**

1.54 The Treasury submission is a disappointing document especially from the department responsible for the MAI, because it does not assist us significantly in evaluating the agreement. Running to only eleven pages, it provides a quick summary of issues rather than addressing the MAI in more detail. It fails to provide, for example, systematic discussion of the implications to Australia of particular aspects of the draft text, though it asserts many advantages. Nor is there an explanation of the official negotiating position, no matter how qualified it may be at the moment. The rationale behind providing such a flimsy submission appears to be that the agreement is still in draft form.<sup>18</sup> However, this overlooks two points: first, the Treasury ought to be in a position to provide the Australian people and the Parliament with a full analysis of what they have been negotiating at considerable public expense on our behalf for the past three years; and, second, this inquiry has been referred to the Committee both by the Senate and a Government Minister and deserves to be treated with due regard. By way of contrast, for example, the submission from the Australian Chamber of Commerce and Industry included a critique of many of the key issues in the MAI.

1.55 Similarly disappointing was the inability of the senior Treasury official responsible for negotiating the MAI on Australia's behalf, Mr Tony Hinton, the First Assistant Secretary, International Investment Division, to attend the May 6 public hearing. While it is accepted that his pre-appointment briefings as Ambassador-designate to the OECD required his close personal attention, his absence did not assist the other Treasury officials in presenting an appropriate case for the MAI.

### **Other Commonwealth departments**

1.56 The refusal of two other Commonwealth portfolios to provide a submission is also disappointing. On 20 April 1998 the Minister for Finance declined to lodge a submission on the grounds that the MAI was the Treasury's responsibility. We wrote back to the Minister on 12 May 1998 requesting a

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18 Transcript, 6 May 1998, p. 33.

submission dealing with matters relevant to his portfolio: a reservation on privatisation, which falls within the finance portfolio has been foreshadowed by the government.

1.57 Of greater concern, however, is the refusal of the Industry, Science and Tourism portfolio to lodge a submission. In a letter to the Committee dated 13 May 1998, the Minister for Industry, Science and Tourism advised that he saw 'no need' for his department to prepare a formal submission for the Committee but was 'happy for Departmental officers to appear before the Committee if required'.

1.58 The Committee views this as an inadequate response particularly as administrative arrangements list investment promotion as part of the portfolio. In addition the following matters of direct relevance to the MAI fall within his portfolio: manufacturing and commerce including industries development, science and technology, including industrial research and development; marketing, including export promotion of manufacture and services; tourism, including the tourist industry; construction industry; duties of customs and excise; bounties on the production of goods; offsets to the extent not dealt with by the Department of Defence; patents, designs and trade marks and consumer affairs.

### **Australia's approach to the negotiations**

1.59 Australia has participated in the negotiations from the outset on the basis that an appropriately worded MAI could provide benefits to Australia. According to the Treasury, Australia will not agree to the MAI unless it is satisfied that the benefits for Australia and the balance of commitments in the agreement are such as to make it in the national interest to agree.<sup>19</sup>

1.60 To this end, Australia has foreshadowed a draft list of exceptions (reservations) which are likely to increase as the treaty evolves. State and Territory concerns may also lead to more reservations. Australia's list of draft exceptions were tabled in Parliament on 31 March 1998 and cover: foreign investment policy (including media and real estate), acquisitions under the *Foreign Acquisitions and Takeovers Act* 1995, the role of the Foreign Investment Review Board, banking, civil aviation, fishing, pharmaceuticals, shipping, telecommunications, foreign aid contracts, government procurement, monopolies/state enterprises/concessions, performance requirements,

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19 Submissions, p. 1295.

privatisations, government grants and subsidies, social services, entry of key personnel into Australia, audio-visual, indigenous persons, professional and industry standards.

### **Status of the draft MAI**

1.61 It is important to recognise that the MAI is a draft agreement which is constantly changing. Should the negotiating parties reconcile their differences and resolve their divergent views, future versions and any final agreement may vary considerably from the latest text of 24 April 1998.

1.62 The DFAT submission identified the major difficulties in the MAI negotiations as follows:

- differences between the USA and other OECD Members over the Helms/Burton Act on sanctions against Cuba and its effect on the MAI and on the Iran/Libya Sanctions Act;
- how country-specific exceptions should be handled;
- the treatment of regional economic integration organisations;
- how to handle the questions of labour and environment standards;
- dispute settlement provisions, including whether there should be an appeal mechanism;
- how to handle cultural exceptions; and
- questions surrounding the operation of provisions relating to most favoured nation treatment and national treatment.<sup>20</sup>

1.63 The outlook for the MAI is uncertain, but expectations are for negotiations to resume with the aim of resolving any difficulties between the parties.<sup>21</sup> The changing draft of the MAI poses particular difficulties for the Committee in this inquiry. This does not, however, preclude an examination of the broader principles, advantages and disadvantages of such an agreement.

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20 Submissions, pp. 1284 - 1285.

21 *ibid.*

### **In the national interest?**

1.64 Finally, we note the assurance given to the Senate on 31 March 1998 by the Assistant Treasurer, Senator the Hon Rod Kemp that:

The Government will not sign the agreement unless it is satisfied that it is in Australia's national interest to do so.<sup>22</sup>

1.65 In summary, there are both misconceptions and misleading material circulating about the nature and effect of the MAI, some of which is reflected in submissions received to date. Our inquiry is intent on disentangling fact from fiction, to ascertain where the national interest lies. To this end, we plan public hearings in all capital cities.

1.66 At this early stage of the inquiry, however, we remain to be convinced that the MAI is in Australia's national interest to the point of any formal signature. Only time and further consultation at all international and domestic levels will dictate whether that is possible.

1.67 The Committee intends to demonstrate the wisdom of the Government's treaty-making reforms that call for public input on important issues. The MAI will be no exception to this commendable policy initiative.

1.68 Article 18 of the Vienna Convention on the Law of Treaties done at Vienna, 23 May 1969, states that:

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

(a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intentions clear not to become a party to the treaty; ...

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22 Senate, Parliamentary Debates, 31 March 1998, p. 1114.



**1.69 The Joint Standing Committee on Treaties recommends that:**

**Australia not sign the final text of the Multilateral Agreement on Investment unless and until a thorough assessment has been made of the national interest and a decision is made that it is in Australia's interest to do so.**

**1.70 The Joint Standing Committee on Treaties recommends that:**

**The Committee continue its public inquiry into the MAI and provide a fuller report to Parliament at a later date.**

W L Taylor MP  
Chairman

## APPENDIX 1

### LIST OF SUBMISSIONS

1	Queensland and Australia First Campaign	27	Combined Pensioners and Superannuants Association of NSW, Bathurst Branch
2	Mr Myles Kehoe	28	Mr Bartle Kempster
3	A W Hartwig	29	Mrs Julie Beare
4	Mr Graham Lyons	30	Mr Joe Mullins
5	Mr T A Morris	31	Mrs P J Porter
6	W L Grant	32	Mr David and Mrs Nell Kitto
7	Laurie Kennedy	33	Ms Penny Hanley
8	Mr Matt Parker	34	Ms Eileen Peters
9	Mr Christopher Bradford	35	Mr Greg Willson
10	S H Allen	36	B Archibald
11	G O Gorman	37	Mrs J Bourke
12	Mrs Peggy Fredericks	38	Toni Payne
13	Australian Spirit	39	K Knaus
13a	Australian Spirit	40	University of Technology, Sydney, Land Economics Program
14	Communications Law Centre, University of New South Wales	41	Mr Leon Francis
15	Ms Jenny Edwards	42	Mr John Brady
16	Mr Philip White	43	Ms Jenny Walsh
17	Mr Richard Ounsworth	44	Mr David & Mrs Hazel Shields et al
18	Mr Patrick David	45	R B Hackett
19	Ms Helen Smith	45a	R B Hackett
20	Mr Ian Bovington	46	Mr Robert Downey
21	Mr Norman Mullins	47	Mr Robin Bailey
22	Mr Charles Watkins	48	A G Howe
23	Mr Max Nankervis	49	Mr Derek Palmer
24	Mr William Briggs	50	Industry Commission
25	Mr James Johnson	51	Mrs Wendy & Mr Stuart Barfield
26	Dr Peta Bowden	52	Mr John Mulholland

53	Mr A F Moore	85	Mr Guy Westmore
54	Mr Jan Morski	86	Ms Anne Warton
55	K W Matheson	87	Friends of the Earth, Southern Tablelands
56	Mr Jim Cassidy	88	Mrs Karen Terry
57	Mrs Eileen Kelly	89	Mr Philip Day
58	J E & J J Bragg	90	Mr K O'Gorman
59	Ms Bridget Farrer	91	Mr John McAuley
60	Ms Josephine Wright	92	Frances Heathfield
61	Dion Giles	93	Mr W S L Bracegirdle
62	Technical Administrative Professional Staff	94	B H Connor AM
63	Mrs A Cattana	95	Lower Clarence Teachers Association
64	Ms Janne Marsh	96	D E Rochow
65	Mr Jack Attwood	97	Mr Arnold Ward
66	Ms Hilda Fairley	97a	Mr Arnold Ward
67	Ms Dorothy Trezise	98	Robin Gaskell
68	Mr Duane Stanfield	99	R W Ellis
69	Mr Angus Douglas	100	Mrs Pat Mcrahan
70	Mr Alan Barton	101	Mrs E D Leet
71	Mrs Edna Lippold	102	Mr Ian McLeod
72	Mr Tim Abrams	103	Dr Eve Addis
73	Mrs S J Kuchel	104	Mr Tom Hagan
74	S Edwards	105	Mr Geoff Pickering
75	Mrs Nolah Waller	106	E Gillespie
76	Mr Geoffrey Ives	107	Mrs Gwen Beale
77	Mrs Margaret Mack	108	W G Bethage
78	K J Dunne	109	Mr Howard Hodgens
79	Hedley Scholz	110	Mrs S H Jackson
80	A D Clancy	111	Francis Toni
81	Mr Hal Pritchard	112	Mr John Wilson
82	Mr Terry Halcin	113	Mrs Linda Swindells
83	Dr Dallas Clarnette	114	Miss Pamela van Oploo
84	Mr Arnold Sandell		

115	United Nations Association of Australia Inc.	144	Voice of the North Coast
116	J M McCosker	144a	Voice of the North Coast
117	Ms Audrey Blackwell	145	Mr Allan Howard
118	Mr Ross Campbell	146	Mr Mark Shepherd
119	Ms Kerry Brady	147	Mr Leo McManus
120	Mrs S Musgrave	148	Mr Harry Lachter
121	C Vock	149	R Osmak
122	Mr Dennis White	150	Mr Frank O'Leary
123	Mr Michael Moore	151	Ms Elizabeth Griffin
124	Mr Gerhard Weissmann	152	Mrs S Howard
125	Mr Noel & Mrs Alma Underwood	153	The Australian Family Party
126	The Australian Workers' Union	154	Mr Neil McDonald
127	Mr Ron Cini	155	U Jonats
128	Ms Mary Kenny	156	Patrick, Margaret and James Wall
129	Sisters of Mercy Australia, Bathurst Congregation	157	L D H Chippindall
130	National Council of Women of Tasmania	158	Mr Eric Walker
131	The Australian National University, Urban Research Program	159	Ms Joan Laing
132	Dominican Sisters of Eastern Australia	160	Mr Michael Quain
133	Ms Josephine Joore	161	Mrs C Leach
134	Mrs Evie Dunlop	162	Mr Fred Ward
135	Miss Margherita Griffin	163	J E Clements
136	Mrs Ruth Wynter	164	Mr David Molony
137	Ms Annette Power	165	Mr David Addison
138	Mrs M J Holmes	166	Mr John Tiplady
139	Otto Mueller	167	Australia First, Fisher/Caloundra Branch
140	Mr Anthony Fitzpatrick	168	Mr John Gibbons
141	Mr Noel Kapernick	169	R A Provan
142	Mr Shane Elson	170	Mr Gerald Schumann
143	Ms Alison Bruer	171	D J Helson
		172	Mr Ron Barnett
		173	Mr W D Hamill
		174	M K Hamill

175	J Sorbello	204	Mr Colin Apelt
176	Ms Pam Andrews	205	Mr Harry Clark
177	J D & B Poole	206	Mr Julian Beasley
178	Mr Robert Stewart	207	Mrs Coral O'Hara
179	Mr Geoff Muirden	208	Atherton Tablelands Chamber of Commerce Inc.
180	National Civic Council and the Australian Family Association, Hunter Newcastle Branch	209	Mrs Kay Hutley
181	Ms Rachel Crea	210	Mrs Mary Maxwell
182	Pilgrim Uniting Church, Adelaide	211	Mr Scully et al
183	Mr Allan Doak	212	Kris Hanna MP
184	Hon Doug Everingham	213	Ms Jennifer Ellis
185	Mr Maurice Webber	214	Mr Leo Rogers
186	Mr John Lennie	215	Mr F Heenan
187	Mrs Bronwyn Davis	216	Mr Alf Lelia
188	Ms M O'Connell	217	M M Wallace
189	The Wildlife Preservation Society of Queensland, Caloundra Area Inc.	218	D F Brandon
190	Mr Allan Turton	219	Mr Robert MacDonald
191	Mr George Bradney	220	Mr John Moore
192	Mr Robert Packer	221	Mr Daryl Myatt
193	H Schneider	222	Mr Peter Beswick
194	Mr Hugh Seeds	223	Economic Liberation
195	Bathurst Justice Group	224	Mr Thomas Cunningham
196	A Better Compassionate Australia Movement Inc.	225	Ms Annette Hooper
197	Mr Ian Fisher	226	Mrs Winsome Rusterholtz
198	G Hutley	227	Mr Peter Hinchey
199	C E Cox	228	C M Simondson
200	Healthy Cities Illawarra Inc	229	Australian Labor Party, Wingham & Port Macquarie Branches
201	Dr Laurence Knight	230	Mr Ron Fischer
202	Mr Peter Kamsma	231	Mr A Dykeman
203	Mrs June Ayres	232	Mr John Massam
		233	Mr John Gates
		234	E C & Joe Bryant

235	W H & A M Bredhauer	265	Mr Scott Andrews
236	Mr John Iggulden	266	Mrs Rachel Miller
237	Mr Gregory Tapp	267	Mr John Larkin
238	The Rural Committee of the National Civic Council	268	The Fellowship of the Round Table
239	Albury-Wodonga Environment Centre	269	Mr Hugh Paterson
240	Mr Harold Paterson	270	Mr Mark Hansen
241	W A Edwards	271	Mr Anthony and Ms Grace Moore
242	Mr Gordon Green	272	Mr John Massam
243	G A Taylor	273	Ms Janet Tomlinson
244	Mrs Adele Shnier	274	Hornsby Shire Council, Office of the Mayor
245	D F Patterson	275	Mr Bruce Hannaford
246	Humane Society International Inc	276	Mr Mike Clarke
247	Mr Barrie Ward	277	Mr Mervyn Cork
248	Mr Gareth Kimberly	278	Mrs Pamela Rigby
249	Name Unknown	279	B Wheadon
250	Mr Richard Thode	280	Boulton Cleary & Kern, Solicitors & Notary
251	L Rowney	281	Mr George Veichert
251a	L Rowney	282	Mrs Margaret Mackay
252	Mr Russell & Mrs Janet Williams	283	F C Burges
253	Mr Mervyn Wickolai	284	Mr Jonathan Young
254	J B Douglas	285	Mr F G Landers
255	Mrs Greta Thomas	286	M E Sawers
256	Ms Deborah Barber	287	Mr Don McNaught
257	Mr Les Clair	288	Ingham Information Group
258	Ms Heather Beaton	289	Mr Scott Balson
259	P & G Searcy	290	Mr Charles Connelly
260	Mr Adrian & Ms Lorraine Miloro	291	Mr Bernard Rusterholtz
261	E P Aldridge	292	Ms Margaret Dingle
262	Mrs Carole Hart	293	Warren Sheehan Insurance Agencies
263	Mr Alan Ellis	294	Women's International League for Peace and Freedom (WILPF)
264	Dr Kate Clinch-Jones		

295	Mr E B Eiby	323a	Association of Mine Related Councils
296	Mrs Margaret & Mr Gerald Hoal	324	Mr Graham Ringer
297	Ms Johanna Pope	325	Mr Peter Howard
298	Mr Terry Fleming	326	Ms Janet Wilson
299	Mr Philip Graham	327	Mr Colin Glover
300	Mount Saint Benedict Centre	328	Arwen Birch
301	Sr C E McFall	329	Dr Donald Grant
302	Uniting Church of Australia	330	Mr Kenneth Duperouzel
303	Mr Mal Pettett	331	W T & L D McCarthy
304	Mr Colvin Smith	332	Centre for Justice and Spirituality
305	Stop MAI Coalition	333	C A Hilder
306	Australian National University, Research School of Social Sciences	334	Advance Australia Party
307	Mr Peter Glover	335	Mr Robert Cawley
308	Mrs Betty O'Keefe	336	AUSTAND
309	Albury / Wodonga Australians for Reconciliation	337	Mrs J E Milligan
310	National Enterprise Federation Inc	338	Mr John Prato
311	Ms Shirley Prato	339	Mr Marc Allas
312	Mr Simon Goodrich	340	D V Galligan, QC
313	Ms Pamela Harris	341	Birthe Warburg
314	Mr Michael Mazur	342	C E & M E Winton
315	The Australian Young Christian Workers Movement	343	Mr Michael Clough
316	Mr David Solly	344	Mr John Reynolds
317	Mr Ross & Ms Lorraine Pearce	344a	Mr John Reynolds
318	A F Robert	345	Mr Adrian Barnett
319	W & N Gardner	346	Dr Margaret Snare
320	Mr Ray Brown	347	Mr Rick Brewster
321	D P & A M Manthorpe	348	Mrs A P Doolan
322	R M Clifford	349	Mrs B J Little
323	Association of Mine Related Councils	350	Miss Dawn Tonks
		351	Mrs Sheila Alger
		352	Ms Joan Benlow
		353	J R, E M & R J Carlson

354	Ms Meaghan Denholm	385	Mr Daniel MacKinlay
355	Ms Joyce Coupe	386	Ms Anne Rayner
356	Mr Rodney Crerar	387	Mr/Mrs Rooney
357	B T Godwin	388	Mr Celia Smith
358	Mr John Buckle	389	Ms Helena Walsh
359	R A W Cameron	390	Mr Dennis Murray
360	Ms Rosemary Drabsch	391	Ms Joslyn Tait
361	M Giles	392	Mr John Morrissey
362	K O'Shaughnessy	393	D B Smith
363	G Blanch	394	National Civic Council
364	Mr Ron Keim	395	Mr Arnold James
365	Mr Neil Blick	396	Gillian Middenway
366	Social Justice Catalyst Committee, Sisters of the Good Samaritan	397	P A Harris
367	Ms Anna Parrar	398	J A E Allen
368	Ms Isabel Higgins	399	Australian Labor Party, Morriset Branch
369	Mr R Marshall	400	J A Underwood
370	Leichhardt Municipal Council	401	E H Crimes
371	Noongar Land Council	402	A Joy
372	Mr Adam Johnston	403	Ms Olivia Ball
373	Public Interest Advocacy Centre	404	Federal-State Relations Committee Victorian Parliament
374	Mr Michael Gogler	405	Argus Australia Pty Ltd
375	Mr Brian Matthews	406	Ms Jan Sims
376	Ms Gabrielle Harkin	407	Mrs D E Fuller
377	Catholic Social Justice Council	408	Catholic Finance and Property Office, Diocesan Finance Council, Adelaide
378	Mr Robert Stringer	409	Mr Peter Huck
379	Ms Heather Prendergast	410	Mrs Elizabeth Back
380	Mr Geoff Rhind	411	Mrs Diana Yellowby
381	Dr Andrew Kelly	412	Mr Clive Oldroyd
382	Mr Michael Burnet	413	Mr Rene Hardt
383	Mr Sebastian Giglio	414	Mr Frank Happ
384	Australian Manufacturing Workers' Union		



415	Mr Arnold Sandell	445	Mr Ron Sheen
416	Mrs Betty Pares	446	Australian Coalition for Economic Justice
417	Mr Brian Blanchard et al	447	Mr Ian Robert
418	Dr David Moore et al	448	Albury-Wodonga Council of Social Service
419	Mrs Johanna Byma	449	Mr Bob Hill
420	Mrs Betty Burrowes	450	Mrs Barbara Kimber
421	Litebook Computers Pty Ltd	451	Ms Jessie Berryman
422	Silke Collisson	452	G Osborne
423	Ms Betty Milne-Ward	453	Mr Dan Mathews
424	Ms Elspeth Hull et al	454	Ms Victoria Bartolo
425	Mr Robert Horman	455	Mrs Norma McNamara
426	Ms Helen & Mr Cowan Keys	456	Ms L H Burrows et al
427	Mr Martin Oliver	457	Ms Sonia Bartolo
428	Mrs Euleen Phillips	458	Ms Sandra Hill
429	Mr Robert Lawler	459	J Raymond
430	Mr Irwin Ramsay	460	Mrs M Janz
431	Mr David Shanahan	461	Clare Colman and Family
432	Giffin & Shaw Accountants	462	Mr Charles Bartolo
433	Crew Members M V Cementco	463	R W Davey
434	M & G Hoal	464	Mr James Glanville
435	Presentation Sisters Wagga Wagga	465	Edna & Jack Flynn
436	Mrs Clare Condon	466	Mrs C B Seabrook
437	Mr Ivan Cox	467	Mr Peter Trainor
438	Ms Julie Walker	468	Ms Pauline Hanrahan
439	Mr Geoff Abel	469	Mr Kevin Broome
440	Mr Donald Humphries	470	Ms Maree Pyke
441	International Society for Human Rights - Australia	471	Ms Patricia Byrne
442	Geelong Community Forum	472	Ms Annelie Daly
442a	Geelong Community Forum	473	Mr G Patch
443	The Franciscan Missionaries of Mary	474	E J Harvey
444	B J Allen et al	475	Lake Macquarie Greens

476	Mr John Blake	506	Queensland University of Technology, Justice Studies, Faculty of Law
477	Mrs Glenys Bundy		
478	Singleton Shire Council	507	Benbow & Pike
479	Name Unknown	508	Ms Kathryn Smith
480	Mrs Susan & Mr Peter Hallam	509	Fundamental Rights Enterprise Ecology Association Inc
481	National Association of Practising Psychiatrists	510	Mrs Audrey Scaroni
482	Deirdre Freeman	511	Australian Society of Authors
483	Mrs B Abel	512	Caritas Australia, Tasmanian Office
484	Rentwatchers	513	Christians Respecting Earth & the Environment
485	Mr Leigh Howlett	514	Ms Lake et al
486	Mr John Budge	515	V Mullin
487	Jessamine & Charles Elliot	516	Byron Environment Centre Inc
488	Mr Michael Wright	517	National Book Council Inc
489	Ms Jenny Baker	518	Ms Anita Radford
490	Mr John de Fredrick	519	Mr David Graham Haining
491	Mr Norman Byrne	520	D Radford
492	Mr Michael Christie	521	Mr T M Hogan
493	Ms Rhonda Ogilvie	522	Ms Judith Ludwig
494	Professor David Shearman	523	Mr Alfred Gerlach
495	Mr Robert Lawler	524	Mr Daniel MacKinlay
496	Mrs Theresa Toomey	525	Australian Stop MAI Coalition
497	Latu Loudoun-shand	526	Councillor Kerrie Christian
498	Busselton Peace and Environment Group Inc	527	Mr Damien Sweeney
499	Mrs Leslie Feather	528	Mr Bruce Ingle
500	Mr Jim Downing	529	Mrs Nancy Brown
501	Mr Edward Paterson	530	Mr Ben Smith
502	Citizens Against MAI	531	Carolyn Bates & Bernard Neville
503	TASDEC Inc. Global Learning Centre	532	Mrs K M Street
504	Mr Robert Armstrong	533	Mr Michael McDermott
505	Newcastle Stop MAI Committee	533a	Mr Michael McDermott

534	Surfcoast Shire Council	561	Department of the Treasury
535	Sr Janet Mead	562	Ms Jan Sims
536	Pat Ryan	563	Mr Peter Haydon
537	Ms Jan Shears	564	Mr Roger Jones
538	Ms Melissa Cloake	565	Mr David Grace
539	Progressive Labour Party	566	Mr Christopher Brooks
540	National Tertiary Education Industry Union	567	Mr Richard Andrews
541	Ms R J Aroney	568	Ms Elizabeth Pell
542	Mr Denis Voight	569	Mr Max Keating
543	Ms Catherine Hutton	570	Ms Sylvia Jeffress
544	Mr David Molony	571	Mrs J Carson
545	Mr Oddur Oddsson	572	T Frost
546	Retired Union Members' Association of SA Inc	573	Mr Lance Jeffress
547	Kate Eve & Dean Lombard	574	Ms E J Mateljan
548	Australian Reform Party	575	S K Rodgers
549	P J Keogh	576	Council for the National Interest, Western Australian Committee
550	Students' Association of the University of Technology, Sydney	577	Jim & Avis Slattery
551	Australians for an Ecologically Sustainable Population, Canberra	578	Dr Shirley Prager
552	Save Australia	579	Mr John Ryan
553	J D & M A Morris	580	Good Shepherd Social Justice Network
554	Network of Women in Further Education	581	Dr Patricia Weaver
555	H R Howard	582	Mr Justin Tutty
556	Joe & Carmel Pittari	583	Miss M E Tonks
557	Mrs Alison Amos	584	Ms Ellen Hill
558	Ms Wendy Pope & Mr Chris Duffy	585	Ross & Julie Schuurmans
559	Australian Chamber of Commerce and Industry	586	Mr John Slade
560	Department of Foreign Affairs and Trade	587	Campaign for International Cooperation and Disarmament
		588	Victorian Local Governance Association
		589	Action for World Development, NSW Inc

590	Coalition Against the Multilateral Agreement on Investment	617	Mr Louis Cook
591	Environmental Defender's Office	618	Northern Illawarra Social Justice Network
592	Australians for an Ecologically Sustainable Population Inc	619	D & M Connolly
593	Union of Farmers Inc	620	Ms Michelle Lindblom
594	Mr John Grant	621	Mr Ian Cohen MLC, The Greens, NSW
595	Mr Laurence Hagerty	622	Australian Reform Party
596	Soroptimist International of the South West Pacific	623	Ms Eileen Turner
597	Southern Cross University, Lismore	624	Mr Michael Porter
598	Mr Paul Hamilton	625	Australian Council of Social Service (ACOSS)
599	Ms Jocely Robertson	626	Ms Patricia Morrow
600	Mr Mervyn Vogt	627	Ms Anne Densley
601	Mr Bradley Curry	628	Mr K J Koster
602	Mr Stephen Taupin	629	J J Jeffers
603	Mr Richard Smolarek et al	630	Kirsteen Thomson et al
604	Aboriginal and Torres Strait Islander Commission	631	R Mills
605	Ms Anne Byrne	632	Mr Peter Burgess-Orton
606	Ms Filomena Nichols	633	Ms Patricia Knight
607	J P A Goodwin	634	Mr Daniel Connell
608	T W Ford	635	Australian Labor Party
609	United Nations Association of Australia, WA	636	Communist Party of Australia
610	Ms Helen Lawrie	637	E Dunphy
611	Queenslanders for Constitutional Monarchy Association Inc	638	D F & D E Tudehope
612	Cooloola Ratepayers and Residents Association	639	Paulian Association
613	Ms Anthea Packer	640	Busselton Peace and Environment Group
614	Mr Peter Jones	641	Mr Daniel James
615	Epping District Peace & Environment Group	642	Smith and Bartos
616	Australian Stock Exchange	643	Conroy & Associates Valuers
		644	AUSTCARE
		645	Allen Allen & Hemsley
		646	Australian Doctors' Fund Limited

647	W & P Fleming	680	Mr Thomas Bettison
648	Ms Monica Barry	681	Ms M Anne Sanders
649	Mr Harry John	682	M R Schutz
650	Mrs Therese Clair	683	Mrs Hope Koster
651	P A McNamara	684	Mr Ivan Tilbury
652	Mr Leonard Warren	685	Mr Damian McClarty
653	Mr Kevin & Evelyn Healy	686	Mr Doug Vanstone
654	L J Cawley	687	Mrs V Pierce
655	N W Clark	688	Name Unknown
656	Mr Michael Comerford	689	Mr Dennis Faulkner
657	S H Turvey	690	Mrs J F Leslie
658	Ms Peta Secombe	691	Mrs Dawn Thompson
659	Miss P Joyce	692	Ms Cecilia Lee
660	Ms Julie Lawrie	693	Mrs Marie Barwick
661	Mr Ian Dean	694	Ms Geraldine Croagh
662	Mr John & Mrs Helen Casanova	695	Mrs L Sobey
663	Ms Annika Faber	696	Ms Astrid Herlihy
664	Mr Michael Pyke	697	Mr Alan R Birthley
665	Mr Charles Nightingale	698	R Rochelli
666	A R Thompson	699	Mr Brian Magree
667	L Daly	700	Ms Jenny Ward
668	Ms Margaret Findlay	701	Mr Arnold Kalnins
669	Mr Charles Bignold	702	Ms Wendy Eggleton
670	E Murray	703	R J Macdonald
671	Mrs Catherine Coleman et al	704	S Hayles
672	Ms Gina Manno	705	Mrs Patricia Johnson
673	Ms Mary Mahoney	706	Mr & Mrs Louise & Peter Hobbs
674	Mr Edward Nieman	707	Greg & Robyn Smith
675	Mr R Stevenson	708	Mr Neville Ford
676	Ms Antonia Symonds	709	B Mewburn
677	Ms Gail Brunger	710	Mr Glenn Humphreys
678	Mr Geoffrey Warren	711	Progressive Labour Party, Geelong Branch
679	Mr Ross Lemon		

712	Women's Electoral Lobby, NSW Inc	739	Ms Madonna Greathead
713	Australian Society of Authors	740	Australian Owned Companies (AusBuy)
714	Australian Business Limited	741	Australian Vice-Chancellors' Committee
715	Mr Robert Mears	742	University of Queensland Student Union
716	Australian Council of Trade Unions	743	Australian Education Union
717	Women's Electoral Lobby, WA	744	Mrs W Cameron
718	Community Aid Abroad	745	Mr Thomas King
719	Australian Civil Liberties Union	746	Ms Lilly Bowes
720	National Union of Students	747	Liberal Party of Australia (Gosford Branch)
721	Medical Association for Prevention of War (Australia)	748	Mrs M M Horne
722	T D Thompson	749	Commonwealth Department of Health and Family Services
723	Mr Len Humphris	750	Mr Frank Vavasour
724	Knights of the Southern Cross (NSW) Inc	751	Mr Walter MacMillan
725	Mr Adrian Hicks	752	Ms Fay Lawrence
726	Michael & Ingrid Hansen	753	Mr John Hunting
727	Ms Colleen Kearney	754	World Vision Australia
728	Stop MAI, NSW	755	Mr Allen Asher et al
729	Australian Conservation Foundation	756	Gosford City Council
730	Mr Michael Coleman	757	Australian Local Government Association
731	Toowoomba and Region Environment Council Inc	758	Australian Children's Television Foundation
732	Economic Reform Australia (NSW Division)	759	Mr John & Elizabeth Williams
733	Mr Duncan Dey	760	G A Hwett
734	Mrs Lesley Kelloway	761	Mr Rodney Peers
735	Ms Jenny Kent	762	Mr Ron van de Wiel
736	Mr Ted Murphy	763	Premier of Victoria
737	Ms Terrie Templeton	764	Victorian Trades Hall Council
738	Premier's Council for Women, Advisory Council to Premier of NSW	765	Mr Jim Gladwin
		766	Amnesty International Australia

- 767 The Hon Richard Jones MLC,  
NSW
- 768 Mrs B M Harding
- 769 Wollongong City of Diversity
- 770 Mr David Burnett
- 771 Mr Robert Balzola
- 772 W Thompson
- 773 Ms Christine Carolan
- 774 Mrs Denise Kiek
- 775 Philip and Patricia Jones
- 776 Business Council of Australia
- 777 Melbourne University Student  
Union Inc.
- 778 SJE Consulting
- 779 Mr Norman Wiese
- 780 Film & Television Production  
Industry Group, Communications  
Law Centre, University of NSW
- 781 Mr Tim Callaghan & Ms Anne  
Bourne
- 782 Sr Anne Drouer
- 783 Mr Stan Tutt
- 784 Ms Margaret Gillespie-Jones
- 785 Fr Reg Howard
- 786 CFMEU Mining and Energy  
Division
- 787 Minister for Immigration and  
Multicultural Affairs
- 788 Mr Ian Wallis
- 789 MTIA
- 790 J O'Neill
- 791 Moreland City Council
- 792 Environment Australia

## **APPENDIX 2**

### **WITNESSES AT PUBLIC HEARINGS**

**Wednesday, 6 May 1998, Canberra**

#### **Department of the Treasury**

Ms J Murphy, Assistant Secretary, Foreign Investment Review Branch,  
International and Investment Division

Mr R Nixon, Director, Primary Industries Section, Foreign Investment Review  
Branch, International and Investment Division

Mr A Biggs, Director, Secondary Industries Section, Foreign Investment  
Review Branch, International and Investment Division

Mr C Thorburn, Assistant Director, Primary Industries Section, Foreign  
Investment Review Branch, International and Investment Division

#### **Department of Foreign Affairs and Trade**

Dr W Goode, Director, New Trade Issues Unit

Mr M Potts, Assistant Secretary, Trade Policies and Industries Branch

Mr J Hart, Executive Director, Treaties Secretariat

#### **AusAid**

Dr P McCawley, Deputy Director General, Quality Group

#### **Austrade**

Ms H Munro, Senior Adviser, Government and Policy Branch

#### **Australian Chamber of Commerce and Industry**

Mr M Paterson, Chief Executive

Mr B Davis, Director, Trade and Policy Research

#### **Stop MAI Coalition**

Mr R Sanders, National Coordinator

#### **Individuals**

Ms P Ranald, Senior Research Fellow, Public Sector Research Centre,  
University of New South Wales





## APPENDIX 3

### LIST OF EXHIBITS

1. *Disciplining Governments? What the Multilateral Agreement on Investment would mean for Australia*, by Patricia Ranald, UNSW Public Sector Research Centre and Evatt Foundation, 1998.
2. Copy of Article *Magna Carta for Global Corporations*, by Ted Wheelwright to be published in *ARENA*, 1998.
3. Copy of Article *Maigalomania!* by Corporate Europe Observatory, February 1998.
4. *Open for Business? Australian Interests and the OECD's Multilateral Agreement on Investment (MAI)* by Wolfgang Kasper, No 1, Issue Analysis, The Centre for Independent Studies, 27 April 1998.