

**** note: this submission has been scanned by the Committee secretariat and may not be a completely accurate representation of Mr Lloyd-Smith's original submission.**

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The Secretary

Joint Standing Committee on Treaties

Parliament House

CANBERRA ACT 2600

Inquiry into Australia's relationship with the World Trade Organisation

(Advertised in 'The Age' Saturday 15-07-2000)

'Government Authority' and 'International Agreements'

Australia is no longer a dependent and subordinate 'Colony' or 'Dominion' subject to the control or direction of any 'Foreign Nation', 'Power', or 'Crown', it is an Independent Sovereign Nation.

Since Australia gained Independence the UK Parliament and Monarch have had no 'authority' in relation to Australian affairs, and no 'Australian Government' has sought or obtained from the 'Australian' people it purports to represent any 'authority' to enter into any Treaty or International Agreement, or to dispose of any land assets or other property of the Australian people.

As an 'Independent Sovereign Nation', the **only source of any legitimate 'authority' for 'Government' in Australia** resides in and may be derived from the Australian people. No authority was given by the Australian people to permit the Australian 'Government' to enter into any UN, GATT, WTO, MAI, FSIA, or many other 'foreign' 'alphabet' organisation 'agreements'. **No attempt was made to gain the informed consent of the people for 'Government' actions** relating to the UN, GATT, WTO, MAT, Foreign Investment, Defence, Firearms, Native Title, Foreign Aid, Taxation, De-Regulation of Banking, Anti-Discrimination, Illegal Immigrants, World Heritage Areas, 'Disposal' of Public Utilities and Services, and a multitude of other matters affecting the sovereignty and assets of the Australian people.

The LX (1900) 'Australian Federation Constitution' gave the Australian Government limited power, subject to assent or otherwise by the UK Parliament and 'Sovereign', in relation to a specific limited number of functions; it was not given 'authority' to delegate, give away, 'privatise' or sell any of those responsibilities assets infrastructure public utilities etc, for which 'Governments' accepted responsibility, to any 'foreign or private enterprise', or to subject itself to any 'foreign' or other external control law or conditions. **Since gaining independence the 'Australian' people have not granted any such 'authority' or any 'contract' to any 'Australian Government'.**

Australian 'Governments' are responsible to the Australian people, and are elected to **'represent the 'will' and to act on behalf of those Australian people'**, not for the benefit of special interest or specific ethnic groups, foreign enterprises investors individuals or 'consultants'. They are required to provide for the defence and protection of the 'Australian' people, their land, assets, property, and wellbeing. The Australian land and assets are owned by the Australian people, not by the 'Government' or the 'Crown'.

There are no valid reasons or justification for any Australian Government to enter into any 'Treaty', 'Agreement', or **'Contract' on behalf of the 'Australian' people** without first obtaining the fully informed consent of those people in relation to such agreement, contract, or treaty. **Any such 'agreement' entered into by an Australian 'Government' without that 'fully informed consent' is invalid illegitimate and un-enforceable.**, although the individuals who participated in those agreements may be rendered liable.

Successive Australian Governments have deliberately chosen to disregard the will of the people they are elected to represent, as do many 'non-democratic Governments'.

International Trade

There is no 'level playing field' in international trade. Australian investors and producers of goods and services will continue to suffer major competitive and financial disadvantages while Australian taxation laws and other 'incentives' continue to discriminate in favour of 'foreign' enterprises operating in Australia.

Together with the most beneficial taxation provisions for 'foreign investors and businesses' resulting in minimal or zero taxation payments, the MAI and other related 'agreements' (FSLA, etc) contain 'conditions' that the Australian 'Government' also supports to the detriment of the Australian people. Those factors alone combine to destroy any semblance of the much-lauded trade related 'level playing field' for Australia. The reality is that they create a massive advantage to 'foreign business, and a precipitous slope of substantial disadvantage down which Australian jobs, conditions, primary producers, and industries are rapidly vanishing in favour of 'foreign enterprises with profits once made for Australia now lost. This is **clearly NOT in the National Interest of Australia, and must be reversed.**

It is far more than a major and serious abrogation of responsibilities and a dereliction of duty by 'elected representatives of the people' **for the Australian Government to act against the interests and against the will of the Australian people, it is an act of tyranny.**

There are serious problems with 'Government' policies implemented by the 'Foreign Investment Review Board' and with the 'National Competition Policy', when much of that 'foreign investment' in Australia involves the 'take-over' of profitable existing Australian enterprises, and results in major staff reductions, diminished working conditions, increased costs, diminished service to consumers, and a high prospect of those enterprises being closed down and / or moved off-shore in the pursuit of even lower operating costs, less stringent environmental and working conditions, and higher profit. They do not represent the people.

Many of these 'investments' simply destroy Australian businesses, increase un-employment, national debt, and the need for imports. There is abundant evidence available to 'Government' that most 'foreign investment' in Australia is not in the interest or to the benefit of the Australian people, but is clearly detrimental, yet no action is being taken by 'Government' to prevent or solve these problems.

World Trade Organisation

The WTO is not a supranational organisation, it is a body 'promoting' the interests of big business, not those of the people. As with the UN, OECD, LMT, etc, it can only be subordinate to the people, by whom 'Governments' are elected and may be given limited 'authority' to act in representing the will of those people, not those of 'foreign' business entities. No 'Government' has been 'authorised' to submit to those un-elected un-democratic and un-accountable 'special interest' groups pursuing their own agenda, or to diminish the sovereignty and 'authority' of the Australian people in any other manner.

Governments worldwide cannot fail to be aware of the extent of protest and objection to the objectives of the WTO, and the process involved in achieving those ends. Even in Australia it was made patently clear from the widespread strong objections raised by many diverse groups and 'ordinary Australian people', that involvement with the WTO was not acceptable after information was 'leaked' to the public that our elected representatives' intended to secretly enter into the '**Multilateral Agreement on Investments**', an agreement which contained a variety of most obnoxious conditions, highly detrimental to the rights and sovereignty of the Australian people. 'Ordinary people' worldwide protested against similar proposals by their own Governments and many were violently suppressed by those 'Governments'.

The WTO seeks to assume more 'authority' than is possessed by participant nations. It is a non-democratic business organisation, not accountable to any 'democratic population', only to itself and appears to operate as a 'committee' from which predetermined outcomes follow a predetermined agenda. There is certainly no transparency or accountability to the people whom many of the *participants' purport to represent, and the 'public' has been deliberately excluded from any matters relating to the WTO.

If social, cultural, environmental, human rights or labour standards rate any consideration, or influence WTO priorities in any manner, they appear to be last on the list, if on it at all. The WTO considers that any impediments, including environmental, human rights, health, and labour standards, to the entry of products to target nations, contravene WTO 'rules' justifying severe sanctions and penalties. Those same 'impediments' were 'attributes' to be protected and defended by 'Governments' under other 'agreements'.

WTO 'agreements' that 'force' Australia to accept 'diseased salmon' and other products of dubious quality or unlabelled genetically modified 'frankenfood' are of no benefit to Australia, which once had the world's best quality cleanest predominantly disease free produce, but is now in serious danger of widespread contamination by unwanted inferior and potentially devastating imported produce. (The insertion of fish genes into those of a tomato can never legitimately be claimed to be an equivalent process to that of traditional cross-pollination or selective breeding, nor can many other inadequately 'tested' un-labelled and un-authorized experimental GM products being forced on consumers by 'Governments' under WTO rules)

WTO 'agreement' conditions that allow an 'un-elected', non-democratic, non-judicial 'business organisation' to adjudicate and impose massive penalties on Nations for perceived breaches of WTO 'conditions' are totally unacceptable, they are an attack against Australia's independence and sovereignty. Such un-authorized 'contracts' have no legitimacy or validity; they constitute a failure of responsibility and totally ignore the 'sovereignty' and supreme authority in Australia of the Australian people who cannot be held responsible or liable for the loss of profits by 'foreign investors and enterprises'.

WTO 'agreement' conditions that encourage the creation of 'Free Trade Zones' wherein workers in virtual slave labour conditions are paid a pittance, to produce goods previously originating in nations the people of which had developed far higher living conditions, is motivated simply by the pursuit of higher profit for investors and less cost for business. WTO conditions are destroying the living conditions that generations of Australians have fought for, and which the 'elected representatives' of those people are required to protect and improve, not abandon and sacrifice to 'foreign' profit seekers.

WTO and other related agreement 'conditions' that allow 'foreign enterprises'

- to utilise at minimal or no cost, infrastructure created and paid for by the people of Australia;
- to prohibit preferential treatment of 'local people, producers, and suppliers';
- to demand 'compensation' for business losses sustaining due to industrial action, etc;
- to allow the importation any 'employees' they desire whilst prohibiting any objection to any of those employees for any reason (perhaps from third world countries and prepared to tolerate 'slave labour' conditions in contravention of working conditions fought for and won by generations of Australians), etc, etc

can only lead to higher Australian 'unemployment', and drastically worse living conditions for Australians; such outcomes are certainly not in the 'National Interest' as is frequently claimed by certain politicians.

Unemployment in Australia is unacceptably high despite 'definitions' that exclude from the official count many who claim benefits under different 'headings', casual and part time workers, those who simply give up looking or remain at school longer, etc, yet 'business leaders' are demanding massive increases in migration which can only increase unemployment and put further pressure on work and living conditions.

There are fundamental flaws in the logic and decision making processes that motivates an elected 'Government' to enter into any 'agreement' that may lead to the destruction or detriment of Australian employment, industries or working conditions, or is in any manner detrimental to the people whose 'will' it is *elected to represent'. There are already precious few surviving 'Australian' owned businesses.

Australian Sovereignty and Independence

The Australian 'Government' has no 'Constitutional' or any other 'authority' from the people to indulge in any actions that are detrimental to the Australian people. It has no 'authority' to exercise 'sovereignty' on behalf of the Australian people, it is limited to representing the **will** of the people and acting in their interest.

Australians should be subject only to valid and legitimate 'Australian' law in Australia, not 'foreign' law, rules, or any other externally imposed conditions or restrictions, and certainly not the 'rules' of any international 'business organisation'.

It would be appropriate and proper for the Australian people to totally reject any and all 'elected representatives' who are prepared to support any such unauthorised, invalid, and illegitimate 'International Agreements' and their obnoxious conditions, as well as those who belong to any 'political party' that supports those policies against the will and to the detriment of the people they were elected to represent. For a 'Party' to demand precedence over the people is tyranny, a role reversal from 'people's representative' to party policy 'sales people' and a corruption of democracy.

Any Government proposition in any way effecting Australian Sovereignty demands a referendum.

The sacrifices of our forbears during WWU in the pursuit of freedom from tyranny, and the efforts of William Hughes PM in 1919, cannot now simply be ignored forgotten wasted or illegitimately surrendered by 'Government' to 'foreign business interests'. Australia's sovereignty is under attack from within.

Public Debate

An 'advertisement' buried in a large daily newspaper 'allowing the submission of comments' is not an adequate or appropriate method of conducting 'public debate' on any issue effecting the whole population. Decision making on this basis is no more valid than decision making processes based on selective 'opinion polling', or demands of lobbyists, etc. The number of 'responses' should clearly indicate that conclusion.

Yours sincerely,

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