



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT STANDING COMMITTEE ON TREATIES

Reference: Australia's relationship with the World Trade Organisation

(Public Forum)

MONDAY, 12 FEBRUARY 2001

SYDNEY

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JOINT COMMITTEE ON TREATIES

Monday, 12 February 2001

Members: Mr Andrew Thomson (*Chair*), Senators Bartlett, Coonan, Cooney, Ludwig, Mason, Schacht and Tchen and Mr Adams, Mr Baird, Mr Bartlett, Mr Byrne, Mrs Elson, Mr Hardgrave, Mrs De-Anne Kelly and Mr Wilkie

Senators and members in attendance: Senators Cooney, Ludwig, Mason, Schacht and Mr Adams, Mr Byrne, Mr Andrew Thomson and Mr Wilkie

Terms of reference for the inquiry:

To inquire into and report on:

- opportunities for community involvement in developing Australia's negotiating positions on matters with the WTO;
- the transparency and accountability of WTO operations and decision making;
- the effectiveness of the WTO's dispute settlement procedures and the ease of access to these procedures;
- Australia's capacity to undertake WTO advocacy;
- the involvement of peak bodies, industry groups and external lawyers in conducting WTO disputes;
- the relationship between the WTO and regional economic arrangements;
- the relationship between WTO agreements and other multilateral agreements, including those on trade and related matters, and on environmental, human rights and labour standards; and
- the extent to which social, cultural and environmental considerations influence WTO priorities and decision making.

Public forum met at 3.05 p.m.

PARTICIPANTS

CLAUS, Mr O. (Private capacity)

EVANS, Mr Graeme Wheller (Private capacity)

GAILEY, Miss Lynn Elizabeth, Assistant Secretary New South Wales Branch, Federal Policy Officer, Media, Entertainment and Arts Alliance

GAY, Mrs Ieva (Private capacity)

GILBERT, Dr Roy (Private capacity)

McCREADIE, Ms Sue, Executive Director, Australian Writers Guild

MILNE, Ms Frances Lillian, Chair, New South Wales Division, Economic Reform Australia

MURPHY, Mr Peter Andrew, National Publicity and Research Officer, Rail, Tram and Bus Union

STANFIELD, Mr Stan (Private capacity)

SYMONDS, Ms Ann (Private capacity)

WRONA, Mr Robert John, (Private capacity)

CHAIR—I open this public forum on Australia's relationship with the World Trade Organisation. This forum enables members of the public to make a statement to the committee about Australia's relationship with the WTO. It is a slightly different process from the committee's public hearing on this matter because it does not involve a question and answer session with committee members.

The statements should be brief—three to five minutes maximum. We would appreciate it if members of the public who would like to participate would address the terms of reference, including opportunities for community involvement in developing negotiating positions, transparency or accountability of the WTO, Australia's interaction with the dispute resolution mechanisms and the impact of the WTO agreements on any other agreements such as environmental, human rights or labour standards.

The record of this forum will be kept in the Parliamentary Library. I invite speakers to identify themselves before they speak; if you do not want to identify yourself, we are happy to proceed on that basis.

Mr Stanfield—First of all, I was not here this morning but I want to say how impressed I was with the report to you from the Australian Fair Trade and Investment Network. I thought it was

excellent and I will preface my comments by reading a brief quote from it which basically summarises where I am at. It states:

The WTO objective is to develop one set of global rules to maximise free trade for corporations and to limit national regulation by governments. As US trade expert Fred Bergsten put it, it aims to “lock in” current and future governments to a free trade agenda and to assign alternative policies to “the dustbin of history”—

The ‘dustbin of history’ basically means sovereignty of nations. It goes on:

Another US negotiator said of APEC “APEC is not about governments. It is about getting governments out of the way so that business is free to do business”... Thus some powerful players see international trade agreements precisely as a way of implementing global policies without troublesome national public debate or accountability.

That is the essence of my concerns. In effect, a parliamentary committee such as this one could easily be considered to be consigned to the dustbin of history. You will not have a role to play if these tribunals, who are unelected and unaccountable, start making decisions that override national law.

I am talking about things like the EU requiring GM labelling and the US complaining and saying that that is an illegal restraint of trade. I am boggled at the mentality of these people who will be running our lives, but that is how they think. They think that if you do not have precise science for you there is therefore no scientific validity for mobile phones being dangerous or for GM being dangerous; and so, since it is a non-scientific consensus, you will have to abide by what the tribunal says will happen. Things like being able to have labels saying something is recycled or organically grown or dolphin safe and so forth are to be threatened because they say that is restraint of trade.

To summarise, my basic point is that the real restraint of trade should be considered to be that of the big nations, meaning the transnationals, getting together and colluding to force everybody to trade on their rules. That is monopolistic activity and, as such, should be banned. That is why the WTO is extremely dangerous, trying to wrap everybody into one global consensus of things they call harmonisation, which is just their way of imposing their values on the whole world. I say the answer is: you cannot reform this, you have to abolish it.

Mr Murphy—I am from the Rail, Tram and Bus Union and I am speaking in support of our submission. We put it to you that changes are needed to the international trade negotiating framework. The view that changes are needed is held not only by trade unions and other community organisations in Australia and elsewhere but also by many developing country governments and the European Union. Members of the Rail, Tram and Bus Union have experienced severe impacts from the application of neo-liberal policies flowing from commitments made in the APEC Bogor declaration of 1994 and from the bargaining position adopted by Australia in the Uruguay Round and in the WTO since 1995.

In particular, the government bus sectors in Melbourne, Adelaide and Perth have been privatised, with the bulk of the tenders going to multinational corporations based in Britain. As well, the Australian National Railways was broken up into three parts in 1997 and sold—again, to US and British companies. Then, in 1999, the Victorian freight railways was sold to another US company. The rest of the Victorian train and tram systems were franchised in 2000—again, to British and French multinationals. The National Rail Corporation is about to be sold. Westrail freight was sold to another US company at the end of last year, and the New South Wales government has decided to sell FreightCorp.

These are historic changes for Australia. Rail, Tram and Bus Union members suffered 30 to 50 per cent job losses in the rail privatisations. In two cases, all the workers who were rehired were forced to sign individual contracts. This is a breach of human rights. In South Australia, a 10 per cent reduction in pay and conditions was imposed on those people who were still able to have a union agreement. In the bus sector, union members experienced a 25 per cent cut in pay and conditions such as superannuation, holiday pay, long service leave and sick leave. There is a serious decline in job security in all sectors. These job losses and the insecurity have had a particular impact in rural and regional Australia. We outlined much of this impact in our submission to the Senate Select Committee on the Socioeconomic Consequences of the National Competition Policy in 1998. A national competition policy, which is one of the conditions for Australia's participation in the WTO negotiations, and its role in APEC, are forcing the pace of international trade and investment liberalisation. We strongly object to this negotiating position by Australia in the WTO and APEC. As well, the Rail, Tram and Bus Union questions the benefits of liberalised trade and investment being pursued in these forums.

I will list a couple of our recommendations. We believe that there should be no further negotiating round in the WTO until there is an urgent review of its structures to correct its glaring inadequacies in democratic processes and in the resources of many participants. There should be an urgent review of the WTO disputes settlement process in the context of a general review of the whole organisation. These dispute procedures should take into account other international law, especially human rights and environmental law, and be open, and its decisions should be much more accessible than they are.

We urge the Australian government to recognise that there is super-exploitation taking place through the global trading and investment regime. It should change its policy to one that insists on fair labour, human rights and proper environmental protection before any further changes to the global trading system are considered. We want the Australian government to justify to the public in advance why any of its basic service areas should be subject to WTO rules. I refer specifically to health, education, transport and social welfare. How could these be traded off for greater market access in agricultural products, which is the thinking behind our foreign affairs and trade policy? We also, as a union, object to any watering down of the rights of indigenous people that could flow from the current direction of the WTO. We are strongly opposed to the current moves for free trade agreements between Australia and Singapore, or Australia and the USA, because these provide just another forum to argue the same arguments or to try to advance the same agenda which has been stopped dead in its tracks so far in the WTO.

Mr Evans—Transborder trade has existed for many millenniums. Originally it was across the borders of the village and for some while it has been across the borders of the nation state. It has always had two characteristics. Paradoxically, it has been a source of enrichment of quality of life and also a source of exploitation and conflict. Balancing those two, there has always been a problem, which continues to be a problem—that is, the central role to be addressed at the moment. My belief is that the issue to be addressed is not whether or not there ought to be a WTO but rather what its mandate should be, what its responsibilities should be defined as consisting of and how well or otherwise it does its job.

It seems to me that there are three matters which are of deep concern and need to be very carefully monitored. The first is the pecking order of priority issues and values. This is a matter of deep importance. Most submissions have addressed this matter. It is not one which can be

ignored. It is the fundamental issue. The second matter is whether or not, in a historical situation where there has been continuing change, we run the risk of arriving at a situation where there is an economic and financial monoculture which is built-in and paradoxically includes certain characteristics that would inhibit further development and change. There is a range of ways of organising an economic system. If what has been done in the last decade or two arrives at a situation where a monoculture emerges, then that is not a beneficial thing for future human development. The third matter—and it is an associated question—is whether or not globalisation occurs in a healthy way or whether it merely means homogenisation. Homogenisation at the international level or within the nation state is a very disadvantageous thing from the point of view of continued human development.

I wish to make two practical suggestions—I regard them as practical; I hope the committee will regard them as practical. It seems to me that the committee's task is predominantly to address the question of how we might go about the process of making things better. One suggestion is that I think it is appropriate to look at the question of the WTO being brought within the United Nations family as a specialised agency and, like all the specialised agencies, being subject to overview within the framework of ECOSOC. I think the continued existence of the WTO outside the UN system may well be disadvantageous. The other practical suggestion is based very strongly on the history of international instruments; that is, in the case of human rights, in the case of the discrimination instruments, in a range of instances, we arrived internationally at declarations which were not open to binding obligations before we proceeded with the very complex task of arriving at binding instruments. In the case of the WTO, the following of that pattern of negotiating and putting into place broad brush declarations which are not open to binding obligations and then, in light of that experience, proceeding subsequently to binding instruments would be a very sensible way to go about things. I think my time is up, thank you.

Mr Claus—What does WTO stand for? What does it mean? Most people think that it means the World Trade Organisation, that it is do with trade. What WTO stands for is: we'll take over. The WTO already has control over world agriculture, fisheries, forestry and industrial products. But it is not satisfied with the control over these great resources; it wants further control. It is trying to take control of the sovereignty of nations. That, as I see it, is a very serious thing. We can see this by the control that it has tried to take in Canada, where there is an issue about products. Canada was worried about the toxic effect on its population, yet it was overruled by the WTO. We also see the same thing in Australia. The sovereignty of Australia is being undermined by the WTO, which is trying to enforce certain practices on Australia to do with leather products and salmon. They are now wanting to take control over health, education and other issues, which have traditionally been taken control of locally by the country itself. This is the really big issue for me. I think that whenever citizens and concerned politicians see the initials WTO, let us respond with, 'We'll take you on.'

Mr Wrona—There are many reasons for the Australian government and the Australian people to oppose any future relationship with the WTO, considering that the decisions handed down through this undemocratic organisation with little or no public accountability or transparency will have such a dramatic effect on people's lives. Ten key reasons for this are cited in the *ZNET* magazine prepared by Michael Albert in which views were taken from the web by Albert, Elaine Bernard, Peter Bohmer, Jeremy Brecher, Dorothy Guellec, Robert Hanel, Russell Mokhiber, Mark Weisbrot and Robert Weissman.

Those reasons are, firstly, the WTO prioritises trade and commercial considerations over all other values. The WTO rules generally require domestic laws, rules and regulations designed to further worker, consumer, environmental, health, safety, human rights, animal protection or other non-profit centred interests to be undertaken in the least trade restrictive fashion possible. Almost never is trade subordinated to these non-commercial concerns. Second, the WTO undermines democracy by shrinking the choices available to democratically controlled governments with violations potentially punished with harsh penalties. Third, the WTO actively promotes global trade even at the expense of efforts to promote local economic development and policies that move communities, countries and regions in the direction of greater self-reliance.

Fourth, the WTO forces Third World countries to open their markets to rich multinationals and to abandon efforts to protect infant domestic industry. In agriculture, the opening to foreign imports will catalyse a massive social dislocation of many rural people on a scale that only war approximates. Fifth, the WTO blocks countries from acting in response to potential risk, impeding governments from moving to resolve harm to human health or the environment, much less impose preventative precautions. Sixth, the WTO establishes international health, environmental and other standards that are low level through a process called harmonisation. Countries, or even states and cities, can only exceed these low norms by winning special permission that is rarely granted. The WTO, therefore, promotes a race to the bottom and imposes powerful constraints to keep people there. Seventh, WTO tribunals' rules meet legality of nation's laws. They carry out their work behind closed doors. The very few, therefore, impact the life situations of the many without even a pretence of participation, cooperation and democracy.

Eighth, the WTO limits governments' ability to use their purchasing dollars for human rights, environmental and worker rights and other non-commercial purposes. The WTO requires that governments make purchases based only on quality and cost considerations. Not only must corporations operate with an open eye regarding profits and a blind eye to everything else, so must governments and, thus, whole populations. Ninth, WTO rules do not allow countries to treat products differently based on how they were produced, irrespective of whether they were made with brutalised child labour, with workers exposed to toxins or with no regard for species protection. Finally, WTO rules permit, and in some cases require, patents or similar exclusive protections for life forms. In other words, the WTO does whatever it can to promote the interests of huge multinationals. There are no principles at work but only power and greed.

Dr Gilbert—I have spent eight years working with development organisations such as the World Bank, the InterAmerican Development Bank and the United Nations Industrial Development Organisation. After listening to that presentation, I feel a bit humble. One of the things that I am a bit worried about in making a presentation to this committee is a bit of the antagonism that I have seen going on today. Free trade to me seems to be based to an extent on the assumption that there is a level playing field, but we know there is not a level playing field in developing nations. They do not have the same physical infrastructure that developed nations have. They do not have the telecommunications, the roads, the ports or the R&D. But one area where they do have an advantage is in the cost of labour. I heard a discussion earlier today that some people would like certain labour conditions forced on developing countries. The point was made by, Senator Mason, that if you did that you might wipe out the opportunities for these countries to trade. I agree with that.

One of the mistakes that people often make in developing policy is that they have barriers around an area and they try and find a solution within the area that is covered by the boundaries. For example, that is a world trade problem you raised this morning. If you try and seek a solution only within the boundaries of world trade you will never get it because you will just go around in circles. I would like your committee, if you are thinking about those sorts of issues, to go outside. If you want to raise developing countries you cannot do it by doing the things that some people have suggested, as you rightly pointed out; you have to look at other international agencies. The World Bank gives loans for investment infrastructure and social infrastructure but it charges the same interest rates on those loans irrespective of whether it is investment infrastructure or a social infrastructure. If they do that, then the people in those developing countries are forced to pay back a loan on things you do not expect people in this country to pay back—education, primary education, health and social welfare. We are subjecting them to conditions that we do not subject ourselves to. If you want to attack a problem to raise a country you have to then start looking at those issues. I implore the committee that if you are really interested in the problems of developing nations, as some of you have expressed this morning, go outside the barriers of the World Trade Organisation because you will not find solutions if you confine yourself to that.

Finally, when you look at who benefits in world trade there are big countries, medium-sized countries, little countries and tiny countries. The big countries and the big corporations are squeezing the developing nations and they are suffering. We are not at the moment but they are. Also remember that, if their turn was first, the smaller country's turn is down the line; so I would ask you people not to think just in terms of total free trade but also to protect the country in some way. Once you leave yourself at the total mercy of free trade then down the track we will become another developing country.

Mrs Gay—I thank you for the opportunity to bring to your attention my concerns about Australia's relationship with the World Trade Organisation. I would like to focus on one particular aspect of how trade and commercial considerations are being applied to deny basic freedom to the citizens of this country. At the very least, I request of you that this government should conduct a detailed analysis of the impact of all WTO agreements on all Australian communities and its citizens—not only its impact on the business community. I think that is absolutely essential. I have worked for quite some years as a registered nurse. I have acquired a Bachelor of Arts degree at the University of New England where I studied human bioscience, a component of which was genetic engineering. The more I learned the more concerned I became. I was concerned at the lack of scientific certainty of the safety of foods produced using this novel technology—at the deliberate denial of the individual's right to be able to choose to avoid experimental foods that scientists declare to be harmful and at the deliberate disregard for public health and the deception being condoned by our regulators and our elected representatives. The corporations that develop these products are able to use commercial-in-confidence as a means to prevent disclosure of results of research experiments on GE products. They own the patents on the many different DNA sequences used in these experiments. The scientists working on these experiments must sign secrecy agreements and they need disclose only what they choose. The corporations need disclose only what they choose.

The safety assessments undertaken by regulators are taken from summaries compiled by the corporation. Their assessments are not done on the raw data but just on the summaries provided by the corporations. Most of these summaries are from experiments undertaken five years

before the products were even commercialised; hence there is to date no peer reviewed published research that proves safety of any of their products, but there is a great deal of peer reviewed published research pointing to real risks. The result is that global populations are being exposed to unnecessary risks and denied the right to avoid those risks. As a result of the WTO agreement on sanitary and phytosanitary standards, any regulations that a government may attempt to impose to force transparency and accountability by these corporations or any labelling regulations can be challenged as a technical barrier to trade under threat of harsh penalties for violation. I think you all know that. The WTO is an external organisation not accountable to the citizens of this country, yet it imposes restrictions on governments that prevent them protecting the basic rights of their citizens.

On a personal level, my family, my grandchildren, are being fed foods that I say are—*not* maybe—harmful. We are denied the right to choose. Section 10 of the Australia New Zealand National Food Authority Act 1991 maintains the objective to be the provision of adequate information relating to the food to enable consumers to make informed choices and to prevent fraud and deception. It is ironic that my children's grandfathers died in World War II fighting for a democratic society. Now, 50 years on, our government is prepared to simply sign away our basic democratic rights to an external power. That is what you people are about to do. It is indefensible for our democratically elected government to seek a relationship with an external organisation that actively promotes denial of the basic rights of its citizens.

I am also going to give you a little bit of information you may not be aware of. Earlier on you were discussing patents, the ramifications of patents and the terminator gene. I do not know whether you are aware of it, but the terminator gene has been trialled in this country since 1996. It is a new hybridisation system—the gene is called barnase and it terminates seed. Terminator has ramifications for global society, yet has there been any debate in this country about terminator? Have any of us been given a choice? Have we been asked whether we want to go ahead with this kind of technology? We have not. I suggest you people find out why.

Ms Symonds—I did not come here today prepared to actually make a statement, but I find I cannot help myself. Maybe it is because I was a member of parliament for 16 years, and having such a forum means it is irresistible to me. More importantly, the issues are incredibly significant to me, and I really want to make only a political point. What I noticed over my 30 to 40 years of political involvement was the deterioration of the democratic process. It has happened internally in political parties—especially in the party that I belong to: the Labor Party—and I will not go into details about that deleterious process. I think you would all agree that this is a period in time when we are hearing constantly about the importance of democracy and the democratic process and the importance of liberty. In fact, all I can see around me is a decline in the democratic process and a restriction in liberty.

I feel that in recent times, while we have been outsourcing all sorts of tasks in the community, we have also been, via the international treaties and other alterations to our systems, outsourcing government. That is of enormous concern to me and I urge it to be of great concern to you, because I think that outsourcing of government is something that the general community is aware of. That is creating an air of unease in the voting community, which means that, while they are aware of some changes that are occurring in the nature of Australian society, they are turning to simplistic minority parties who purport to have regard for their interests but are offering no solutions at all. I think it represents a great challenge to the major political parties to

resume control of the determination of public policy in this country. One of the great ways that you can actually do that is, through the operation of this committee, by determining a process and outlining a response to this internationalising of the democratic process. It is not democratic, and that point has been made over and over today. I think we ought to resume control of our society and resume control of our political parties and public policy determination. Let us not give it away to the fish and chip shop owners, as you said this morning, Mr Chairman.

Ms McCreadie—I am the Executive Director of the Australian Writers Guild, and we represent Australia's screen writers and playwrights. Our colleagues from the Screen Producers Association of Australia appeared this morning and expressed many of the concerns that I will touch on now. Essentially, there is a concern in the WTO process that the Australian government's ability to pursue its cultural objectives is not compromised in any way. I should say that we would have put in a submission if we had known a little earlier, but somehow we were left out of the loop on this one. I am not quite sure why, because we have certainly appeared before many committees in the past and put our views about this subject.

This morning there was a reference to special pleadings. I wanted to take up that point because I do not think that when the film and television industries put their case for cultural policy it is simply a case of special pleading. What we are looking at is the broader community interests, which is the right of Australians to tell their own stories and tell them to their own community. I think writers everywhere understand this. We have a lot of contact with writers in other countries, and it is interesting that the New Zealand Writers Guild never supported the High Court action taken by Blue Sky against the ABA. It was very much run by the commercial interests in New Zealand. Even our American colleagues understand that, even though the Hollywood writers get a substantial part of their income because their product dominates global markets, there is a need for Australian writers and their colleagues in other countries to tell those stories. Therefore, there is a need for some type of cultural policy protection. I have a copy of the SPAA submission, which quoted the Minister for Trade, Mark Vaile, as saying:

... I shall ensure that any negotiations in the audio-visual sector take account of Australia's cultural policy objective.

That concerns in that we want to be taken account of, but I think we want something a bit more than that. We do not want to find cultural policy traded off against other forms of exports.

I will go back to the recommendations that came out at the Senate inquiry following the High Court debacle with the Blue Sky case, which arose, of course, because the negotiators on that occasion failed to include a cultural exemption in the CER protocol. That committee did recommend unanimously that all future trade agreements include a cultural exemption, and it seems to me that this commitment is not as strong as that. What we are seeking is for that to be locked in very solidly. I would also make a plea for the organisations that represent people in the film and television industry to be involved, and closely consulted about, what is going to be put in the WTO, because I think the CER debacle could have been avoided if that was the case back in the early 1990s.

Ms Milne—Economic Reform Australia is a small group which is about achieving a just and sustainable society. I did not come prepared to make a comment, but I will. There are three terms of reference which particularly take my attention: firstly, the transparency and

accountability of WTO operations and decision making; secondly, Australia's capacity to undertake WTO advocacy and, thirdly, related to that, the relationship between WTO agreements and other multilateral agreements.

I do congratulate the parliament for setting up this inquiry. I realise that many of us who are part of the much larger group AFTINET, the Australian Fair Trade and Investment Network, have been very supportive of the first submission made today by Dr Pat Ranald and by Reverend Ann Wansbrough. My concern is that, if it were not for continual leakages from the World Trade Organisation and many of the other international institutions that are operating trade liberalisation, the Australian government might never have levelled with the community that there were issues at stake that ought to have been debated and that it was the proper role of community organisations to be part of that debate. Out of that failure, through the initial multilateral agreement on investment to be widely debated until it was raised by community groups, has come a gathering of increasing concern about these things.

I bring to your attention the fact that—if we do want to have proper advocacy—to an extent these leakages have initiated some of those concerns and the actions that have taken place as a result of them. Therefore, I have to really strengthen and support the argument put by AFTINET that, whatever structures are available to have community consultation and to have community representation going overseas, in some of these instances Australia ought to make sure that its delegations and consultations include community groups in whatever way is possible.

I bring to your attention, too, the fact that one of the latest leaks that has come from the Internet—to those of us who get innumerable leaks these days from international organisations—is the draft negotiating guidelines and procedures for the General Agreement on Trade in Services negotiations, which have been reported and already printed out by many of us. It has been leaked that they are to go to an informal meeting of the World Trade Organisation services council on 7 February so that by the end of March there could be firm guidelines so that members can start a more intensive phase of bargaining over market access offers.

This implies that small countries like Australia were not going to hear about this for some time yet and that, if it were not for those sorts of leakages, we would hardly be able to jump into them. I will not go into a lot of detail—I have the whole set of leaked guidelines here—but they do reinforce the concern that this is the Multilateral Agreement on Investment coming in through the General Agreement on Trade in Services—I think that point has probably been made several times—and that some of the most worrying aspects of that will be repeated. My only concern in putting this forward is that the issue will not go away. I commend you all for taking community comment, even off the cuff, from people like me. Ways of making sure there is immediate feedback from us to you need to be structured along the lines of the AFTINET submission, if we get there first in terms of information, and there needs to be a verification of and further consultation on what the implications might be of that documentation even if, officially, governments have not released it.

Miss Gailey—I am the federal policy officer for the Media, Entertainment and Arts Alliance. The MEAA is the union that represents actors, technicians, journalists and everyone working in the entertainment industry in the country. I, too, have not come prepared to speak. We have sought permission to appear before the committee further down in its schedule of public hearings, so I will keep my comments very brief. I think the most important thing to say in this

context is that, as with the Writers Guild, we may well be characterised as yet another group who are seeking special circumstances and special pleading.

As the union that represents those who work in the entertainment industry, it is our view that cultural exemptions are absolutely paramount if this country is to continue to see and develop its own sense of identity. That sense of identity is changing; it has been changing throughout this century. One of the reasons Australia has been able to achieve a multicultural society with a relative degree of harmony is that, particularly over the last 45 years, we have had access to protections via both subsidy and regulation. That has enabled this culture to develop in a way that our society can be reflected to this society and people are able to tell their own diverse stories to the society in which they live. That is a fundamental tenet of democracy, and I think successive governments should be congratulated for having had the vision to continue ensuring that that space is created. That is why we seek an exemption in all trade negotiations. We, like the Writers Guild and SPAA, have concerns that even the government's very recently restated commitment to that policy now appears to be watered down.

It has been said a number of times today that it is as unfair to treat equals unequally as it is to treat unequals equally. Australia is not operating in the entertainment industry on a level playing field and we forget that at our peril. We have great concerns on a broader level, as does the entire trade union movement, that some of the negotiations that we could be looking at will serve to erode working conditions in Australia and we believe that is inappropriate.

We have concerns that there has been a misuse of the word 'investment', that much of the rhetoric that surrounds discussion of trade agreements implies that there will be investment, that investment may accrue to Australia and that investment will be valuable to the country. It neglects where the returns on that investment will go and they will not remain in Australia. Multinationals investing in Australia spend money in Australia. There may well be short-term benefits, there may indeed even be some long-term benefits, but at the end of the day, the profits from that investment do not stay within this country, they leave. That creates for Australia circumstances of uncertainty and those circumstances need to be carefully considered in trade negotiations. That is all I wish to say at the moment. If we are able to appear before the committee in March, then I will take up the other points that we would like to address. Thank you.

Mr ADAMS—You might like to put in a submission.

CHAIR—Yes, you are welcome to make a written submission. If there are no other contributions to the forum, we will adjourn. Thank everybody. We are going to sit again in Canberra on this inquiry in early March.

Resolved (on motion by **Mr Wilkie**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

Public forum adjourned at 3.52 p.m.