



SUBMISSION

BY: *Gillian Gould*

On behalf of the *Sydney Branch of The Amalgamated Manufacturing Workers Union Retired Members Association (AMWU RMA)*.

To the *Joint Standing Committee on Treaties (JSCOT)*.

Re: Opposition to *Singapore/Australia Free Trade Agreement (SAFTA)*.

22nd April 2003

Preamble

The Sydney Branch of AMWU RMA hereby expresses absolute opposition to *Singapore/Australia Free Trade Agreement (SAFTA)*. We also wish to state our concern and condemnation of the 'negative listing' method of inclusion/exclusion of items to be negotiated in secret for the SAFTA proposals.

We believe that the heaviest burden of the loss of living standards resulting from this and other similar 'free trade' proposals will be borne by people such as the members of our Retired members Association and their families.

It is appalling that SAFTA has been secretly negotiated and is intended by the Federal government to be forced on the people of Australia with no involvement of the elected Parliament.

We are adamant that an opportunity must be given to the ordinary citizens of Australian to be aware of the SAFTA proposals and if necessary to reject the agreement if the people so wish.

Our Association points out that at no stage has legitimate permission been sought for the SAFTA proposals by the Federal government from the Australian people through any of the many democratic means that should be used by the Federal government. Nor does it seem that the Australian government intends to travel this democratic road. This is unacceptable and apparently must be forced on the government.

We submit that this cannot be allowed, at pain of Australian citizens losing hard won democratic process and sovereignty together with large portions of Australia's living standards and many jobs.

For many reasons in addition to those above we call upon the JSCOT Committee to call for a halt to the current way in which the Australian government has proceeded in these trade negotiations. We condemn the government for

proceeding in such secrecy and without any intention to allow the people and Parliament of Australia the right to say "NO!" to any trade agreement popularly adjudged as abhorrent.

Any future 'trade agreements', should they even be deemed necessary – which we question - should only proceed if the necessary democratic safeguards and rights of citizens are inculcated into such a process.

We furthermore and most positively wish to deny the Federal government its abuse of our democracy through its Cabinet's usurpation of the democratic process as represented by the right of citizens to know and to pressure elected parliamentarians in Parliament to reject unsavoury proposals such as SAFTA.

We therefore demand that a MORATORIUM be placed on this (SAFTA) and all other so called 'free trade agreements'.

We further demand that all future trade negotiations, if deemed popularly necessary, be embued by all the democratic processes, which are the absolute cornerstone of this Australian Democracy.

POPULAR CONSULTATION & PARLIAMENTARY OVERSIGHT NON-EXISTENT.

We question the validity of the Federal government's obvious preoccupation and perception that the needs of the 'big end of town' represents democracy and devil take the hindmost - as its myriad decisions attacking socially based requirements of workers and disadvantaged Australians amply displays.

The Federal government's perceived anti-social bias, as applied within this context, is displayed by the *Department of Foreign Affairs and Trade (DFAT)*.

DFAT, when referring to the SAFTA trade delegation makes the following statement "The Australian delegation will take into account the views of stakeholders such as industry and relevant government departments for the first review" presumably reflecting government policy. Apparently the firestorm of job losses expected as a sacrifice to the demands of global profit have no right to be considered and we demand that this should not be so.

Lack of warning prior to the commencement of SAFTA negotiations. No opportunity for citizens or their elected representatives to reject any objectionable 'free trade' negotiation. The Federal government's reported indecent haste to commence implementation of the SAFTA tariff removal legislation before completion of the SAFTA review by *Joint Standing Committee on Treaties (JSCOT)*. The DFAT stated concern for only the 'big end of town'. These, and more, all come together to display the abhorrence we feel towards these undemocratic 'negotiations' and in our opinion completely disqualifies the negotiation process which should be declared invalid for the best democratic reasons.

We therefore recommend on this subject matter that:

- (a) No legislation relating to SAFTA be contemplated, introduced or passed by Parliament until a proper democratic process is instilled into negotiations including the completion of the JSCOT review.**
- (b) In relation to the JSCOT SAFTA review, a wide-ranging, genuine public community consultation process be undertaken.**

'NEGATIVE LIST' THE ULTIMATE CATCH 22.

Sydney AMWU RMA perceives that Australia's living standards are in grave danger through being 'negative listed' as proposed in the SAFTA agreement. We therefore totally reject the concept as being tantamount to treason proposed to be committed by the Australian government.

We are horrified that negotiators describe SAFTA as a "GATS plus" agreement (JSCOT transcript 24th March, pages 4-6). We perceive this "GATS plus" representation of the 'reverse listing' SAFTA as being no different from the much despised and totally rejected *Multilateral Agreement on Investment* (MAI) and equally deserving of rejection as in the case of the MAI.

We totally reject the proposal for use of SAFTA as a model for the *U.S- Australia Free Trade Agreement* (USAFTA) - as we totally oppose the USAFTA. In our perception Australia has already been victim to some massive 'con' tricks regarding trade as shown by the disdain meted out to Australian trade by the U.S and the E.E.U.

We thoroughly believe that 'free trade' negotiations, including SAFTA, WILL NOT improve Australia's trade position – we see that all that will happen is that Australian trade rights will be plundered whilst at the same time surrendering copious amounts of democratic process and sovereignty.

We therefore call upon JSCOT Committee:

To oppose the use of the 'negative list' model in any form including within SAFTA. In so doing we highlight the similarity of the 'negative list' SAFTA to the MAI and the popular rejection of the MAI.

DEMOCRATIC GOVERNANCE WILL BE LOST.

We decry the characterisation of the popular wish as being "more burdensome than necessary" or a "barrier to trade". We maintain that various levels and descriptions of Security, whether at local or national level, must never be put under threat, which would be the case with SAFTA, no matter how "burdensome" or "a barrier to trade". Security is in normal, pre 'free trade' times deemed absolutely necessary and meant to over-ride every other consideration and we insist that this is STILL the case.

We submit that the SAFTA proposal places in jeopardy the Security of Australia's living standards. We therefore are adamant that the current sovereign rights of Australia and Australians should not be tampered with, no matter how "burdensome" or what "barriers" they may represent to foreign, non-elected corporate representatives.

We consider Quarantine Security to be of the utmost importance for to Australia. Yet in the example of the threat to Australia posed by the SARS medical condition, we perceive that the Singaporean Tourist industry may, under the tenets of SAFTA, consider quarantine restrictions to be "more burdensome than necessary" or a "barrier to trade" and thus take legal action against Australia. We totally oppose the creation of an agreement (SAFTA) which may well bring about this gross situation.

SARS was an unforeseen occurrence and our government has had to act in our defence against this threat. We perceive that it is entirely possible that such future unforeseen events will again happen and our government may have to act to protect Australians.

We therefore submit that no agreement should be entered into which threatens government's ability to act, sometimes even in a manner deemed "burdensome" and a "trade barrier" in the imperative to protect Australians citizen's health and sovereignty. SAFTA can only impede this imperative need.

**We therefore call on the JSCOT committee to:
Oppose restriction on the ability of government at all levels in Australia to regulate essential and/or emergency services.**

MORE ERROSION OF SOVEREIGNTY.

AMWU RMA Sydney Branch submits that it is preposterous, verging on the morally unconscionable that corporations may be allowed to sue governments should such governments make laws that inhibit or prohibit investment. It is entirely possible that such investment may be deemed popularly or environmentally objectionable or even popularly unacceptable for other reasons i.e. religious grounds etc. We here submit that all these grounds should remain open for decision by the citizens or their government.

We submit that should the power to sue governments be placed in the hands of corporations, this will have the effect of supplanting elected government by non-elected corporation representatives wielding enormous global power totally out of reach of principled popular power – and totally anathema to democracy.

We are aware that the Federal government has listed exceptions to the negotiations (annexure 4.1a). However it appalls us that, again because of the effect of 'negative listing', a massive proportion of our sovereign right to regulate

foreign financial and investment activity is left to the none too tender mercies of non-elected individuals and corporations.

Measures able to be challenged according to the SAFTA (Chapter 8, Article 1e) are; 'any law, regulation, procedure, administrative action or any other form taken by "central, regional or local government" – this we contend is giving away far too much of our democratic sovereignty and we oppose it utterly.

We therefore call on the JSCOT committee to:

Oppose an investor state complaints mechanism since it constitutes a totally unacceptable curb on the people's sovereign rights.

GOVERNMENT PURCHASING POLICY CRUCIAL TO FINANCIAL WELL BEING OF CITIZENS.

It is our grievous concern that the demise of a government purchasing policy as required by SAFTA and other such treaties, would bring about a 'scorched earth' situation amongst Australian industry and development strategies.

We again perceive an attack on the sovereign rights of Australian citizens and their governments to make decisions that are advantageous to their local industries and citizens. We maintain that there is nothing wrong with this concept except that it frustrates the money and power hungry non-elected individuals and this, in our opinion is not necessarily either wrong or unjustifiable.

We see no benefits accruing to worthy causes from the exercise of demanding the removal of the right to a government purchasing policy since such benefits will accrue to corporations rather than to countries, elected governments and citizens who sorely need such benefit.

We perceive that it is also highly likely that these benefits will accrue to corporations based in already bloated, rich countries or to tax havens where incoming financial benefit will not accrue to the ordinary citizens.

We therefore call on the JSCOT committee to:

Oppose restrictions to the right of Australian governments at all levels to determine advantageous purchasing policies.

Signed on behalf of
Sydney Branch AMWU RMA



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Branch Secretary.

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