

Additional Comments by the Australian Democrats

Senator Aden Ridgeway

1.1 The Australian Democrats strongly endorse this Report and its recommendations. We believe that this Report appropriately addresses the broad range of issues that have been identified in respect of both GATS and the proposed Australia-US Free Trade Agreement, as well as more general issues regarding Australia's trade policy and the role of Parliament in the trade agreement making process.

1.2 The Australian Democrats support the promotion of fair trade that is first and foremost in the national interest. While efficiency and economic growth are vitally important, the concept of the 'national interest' is about more than basic economic considerations. We are committed to the high standard of Australian social and labour conditions and to the preservation and improvement of our environment and make these the primary consideration for any trade decision. It is vitally important that we resist any efforts to compromise on the protection of our national cultural identity.

1.3 Public concerns about the GATS and the proposed US FTA have brought the issue of Australia's international trade policy to the forefront of public debate. Given the significance of the potential impact these agreements will have on our social and economic future, we believe that this debate is timely and important. In particular, we strongly support the recommendations of the Report urging the Government to undertake more extensive research and greater public consultation before committing to international trade agreements to ensure that our commitments conform to Australia's national interest.

1.4 With respect to the proposed US FTA, the Democrats firmly believe that the important policy objectives inherent in the PBS, Australian content in both traditional and new forms of media, quarantine rules and foreign investment regulation must not be compromised through this agreement. The right of future Parliaments to freely regulate in the public interest is a critical aspect of our national sovereignty that must be retained, and this is reflected in the Report.

1.5 We are especially pleased that the Committee has elected to endorse the need for parliamentary approval of trade agreements. Parliamentary approval of treaties has been an important part of Australian Democrat policy for some time. Former NSW Senator Vicki Bourne introduced the *Parliamentary Approval of Treaties Bill* in 1995, which we continue to pursue. Throughout this year, we have continually called for agreements such as the proposed USFTA to be brought before the Parliament for scrutiny and debate.

1.6 We would like to make one distinction, however, between our policy in this regard and the approach taken in this Report. The Democrats appreciate that a

distinguishing feature of modern international trade agreements is that unlike other types of international treaties, trade agreements are strictly enforceable, and impose (as the Report states) ‘binding justiciable constraints on government’.

1.7 However, the Report argues that this therefore establishes greater justification for parliamentary approval of trade agreements, as opposed to ‘conventional’ treaties. We understand that the focus of the Committee in this Inquiry is on the impact of trade agreements specifically, and can therefore appreciate why parliamentary approval of trade agreements is the main concern of the Report. However, it is our strong belief that parliamentary approval of treaties should not be restricted to trade agreements alone.

1.8 As a matter of principle, we believe Australia should consider itself strictly bound by all international agreements it enters into, irrespective of the nature of dispute settlement procedures contained within each treaty. The mere fact that one treaty is not as ‘enforceable’ as another is not, in our opinion, sufficient reason to consider it exempt from the need for parliamentary consideration. The Democrats will continue to support the need for parliamentary approval of all international agreements.

Senator Aden Ridgeway

Australian Democrats