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USFTA

Submission on the USFTA

My main objections to the USFTA lie principally in the threat it poses to our democracy, and in the great inequality of power of the two participants.

This inequality is clearly demonstrated in the sorts of requests we have received from the US government, seeking to play a legitimate part in our government: they ask that their nationals be on the committees of our quarantine dealing with its policies and processes, and also that they have a place in the development of Australia's standards and technical regulations with regard to GM, both with an eye to market convenience for the US. Market convenience should play no part in either of these fields. They are both questions for science, and in any case, how we deal with them is our business, not that of any foreign power. I might say that our quarantine laws as they stand, have served us very well to date in keeping out noxious diseases, both plant and animal, and to change from our current negligible risk strategies to the "acceptable" risks promoted by those to whom pleasing possible market partners is more important than freedom from disease, is sheer stupidity.

But this is only a small part of the illustration of our inequality: the presence of the requests in the Annexes tell the tale also. These seek to control our actions in very broad areas of our national life, and are an unwarranted trespass on our democracy. That we would not seek to control the US's laws, (and they would laugh at us if we did) while they casually request the control of ours as if they are entitled to, illustrates exactly our position in the partnership. Compared to the US we are small and powerless, and their expectations that we will meet their unreasonable and demanding requests, make it clear that we will be treated that way.

The whole package of the various devices by which they aim to increase our total pharmaceutical bill is unacceptable.

The disputes process is thoroughly undemocratic. As well, the desirability of convening any court that makes decisions on only one area of life, ignoring the implications of its decisions on any other areas, is highly questionable, and I question it.

With our education system under heavy financial pressure the proposed alteration in copyright law can only be to our disadvantage.

That the USFTA is a "negative list" agreement puts us at a disadvantage, in that disagreements arise about what should be on the reservations list, and we can be caught out by omissions, unintentional or omitted due to dispute. A "positive list" such as the old GATS list, is much better.

I submit that the Annexes are outrageous, Annex 1 due to its flagrant interference in the democratic processes, and Annex 2 because, while it lists the usual government services as without restriction, the detail says that this is not the case, that they are "Established

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on maintained for a public purpose", which though apparently (to me) is self-evident, is not defined, and it is unclear what Australia would have to do to prove that this was so. As well, public services are defined as services NOT supplied "on a commercial basis, nor in competition with one or more service suppliers". As the authors of this knew well (it was their job to know what goes on in the areas in which they were working) this leaves almost all our public services exposed.

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In the areas of investment also we have been "duddled" in all areas, leaving investors with up to \$800million to come in unsupervised, without conditions attached, and buy us up as they will, without any obligation whatever to local jobs and local prosperity. Excepting for their taxes, all the profits they make from this country can be sent off back to their shareholders in the US. As a country most of us will be left owning nothing-----
NOTHING.

Even the infamous Investor-State process is back in another guise: If there is a "change of circumstances, " an investor can request (demand??) consultation with the other government to make a complaint. The other government is then OBLIGED to "promptly enter consultation with a view to allowing such a claim and establishing such a procedure." (Article 11.16.1) While the ability to sue is dropped, the pressure is still there, and if we are so foolish as to accede to this, how long will it be before we will be pressured to allow the court procedure too?

The power to deal with the problems of our own water will be denied us, if we sign this Agreement, as will the right to deal as we wish with our own film industry. This will result in loss of opportunity to develop our own artistic talent, and that of the technical talent in this area, as well as developing our audience in Australian culture, loss of jobs, and loss of taxes from the people working in this area to support our much needed services.

The effect on the environment of this Agreement has been totally ignored by Howard Government. No EIS --- or not in the preparation stages, anyway. Does he think, perhaps, that in the presence of a few extra million dollars, he can do without an environment?

To remove the tariffs from Government procurement and manufacturing jobs, will cause high unemployment among the people who work in these areas.
Has the government organised its budget to cope with supporting these people until work is available for them, and has it considered the disruption to their lives this may cause?

I deplore the lack of respect, and the degree of US greed and power-seeking revealed in these requests. There is virtually nothing here to our benefit and from it we would suffer tremendous disadvantage.
We should reject it completely.

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