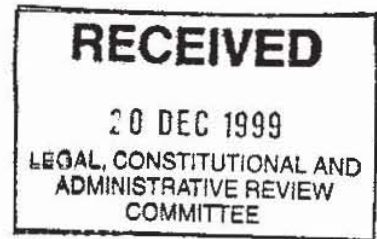


Bill Edwards



Thursday, December 16, 1999

The Research Director
Legal, Constitutional and Administrative Review Committee
Parliament House, George Street
BRISBANE QLD 4000

Submission No 11

Dear Ms Newton

I am writing to you regarding The Role of the Queensland Parliament in Treaty Making. I will frame my analysis under two headings:

- * The Existing System - Does it work effectively?
- * Specific Comments regarding the Queensland Government's proposed position

THE EXISTING SYSTEM - DOES IT WORK EFFECTIVELY?

The State Government's **proposed position is based on certain assumptions** about the efficacy of the present treaties system. From personal experience, particularly with the MAI and the Fifth Protocol to GATS, I do not believe that some of those assumptions are justified. More specifically, although the current federal system (incorporating JSCOT, etc) is a significant improvement on the previous one, it still has some considerable weaknesses. In brief I believe that those defects are:

1. Considering the magnitude of the potential impacts of certain treaties, for example the enormous implications of the MAI, I think that it is nothing less than a joke, played on an unsuspecting public, to suggest that a minimum period of 15 sitting days is enough for matters of such grave importance to be tabled before parliament.

2. The so-called National Interest Analysis (NIA), in my experience, was appallingly weak and not an analysis at all. In the case of both the MAI and the Fifth Protocol, the NIAs were simply 'sales documents' based on little more than extreme and unrealistic ideology, currently rife in federal Treasury and DFAT. Benefits were accepted as mere articles of faith. This deplorable situation emerged under questioning by JSCOT. Scathing comments by JSCOT members regarding this point can be found in federal Hansard. A proper NIA should include an in-depth cost-benefit analysis, including such things as estimated cash flows. There was nothing even remotely resembling that. Professionally, it was sheer incompetence or neglect.

3. It appeared, from the content of hearings, that commonwealth-state consultations were little more than one-way presentations, lacking in real depth.

4. Consultation with the general public was, in the main, poorly done, especially in the initial stages of inquiry.

- * Public awareness of the MAI came largely via Canada and New Zealand, instead of from our own representatives. Many of us felt that we were being treated like 'mushrooms'.
- * Advertising of the MAI and Fifth Protocol left a lot to be desired, to say the least. The Fifth Protocol was advertised in The Australian on one day only. In one small advertisement, the Fifth Protocol was given two lines, alongside several other treaties. The title of that treaty would have been totally meaningless to almost all readers. Had I not passed on my understanding of its meaning to others, the total number of submissions Australia-wide would probably have been no more than three or four. As it was, there were only sixteen submissions. This is a dreadful state of affairs considering that a core feature of the treaty was potential foreign ownership of all our banks and insurance companies. When one considers that, pre-Telstra, the profits of the banks alone comprised some 60 percent of the total profits of all the industrial stocks listed on the Australian Stock Exchange, the gravity of the situation is apparent.
- * The Fifth Protocol was considered to be similar in many ways to the MAI and was therefore coupled with it for the purpose of public hearings. I was not a little surprised, when I gave evidence at the Brisbane hearings, that there was no attempt whatsoever (to the best of my memory) to elicit any views on the Fifth Protocol from those present.
- * The vested interests of some of the main media players in Australia run parallel to those of the large transnational companies driving such treaties as the MAI, so it is unrealistic to expect them to give adequate, balanced publicity to same. This was apparent at the time.
- * The fiasco in Seattle, at the so-called 'Millenium Round' of the WTO, was a clear manifestation of what happens when the public is not adequately consulted and, worse still, its opinions and rights are treated with contempt. If the treaty making situation does not improve markedly, we will witness an escalation of these demonstrations, perhaps on a scale not seen since Vietnam.

SPECIFIC COMMENTS ON PROPOSED POSITION

In a nutshell, I agree with the three proposals that emanated from the June 1999 seminar convened by JSCOT.

The first proposal replaces the somewhat haphazard method of information dissemination currently prevailing. The second (dedicated parliamentary committee) would ensure that at least treaties would get proper, critical consideration, rather than the 'lick and a promise' I personally witnessed. The third (inter-parliamentary working group) would help to ensure that there was a national focus.

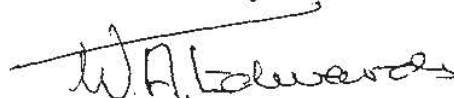
Although the 'new' system could be seen as somewhat more cumbersome than the existing one, that is not necessarily a bad thing. Treaties have been embraced in the past with what one could fairly describe as 'indecent haste'. The proposed system at least puts a buffer into the situation. This is especially important given the rash of treaties being foisted onto us. Under those circumstances it is difficult for unfunded private individuals and NGOs to keep up with what is going on, let alone respond adequately.

At a more specific level, my comments are:

1. Re Queensland's Proposal 1, if the full treaty is not tabled in parliament, then at least there should be a precis tabled, together with some brief comments regarding its implications, including pros and cons.
2. I do not agree with Proposal 2 of the Queensland Government. It over-rates the effectiveness of the current system. I prefer what came out of the June seminar. It is more 'thorough'.
3. I disagree with the Queensland Government's Proposal 3. It does not give enough emphasis to the importance of a negotiated, coordinated national approach to treaties. It also fails to capitalise on the important benefit of public awareness that would flow from the increased exposure likely to result from the operation of an interparliamentary working group.

To give you just a brief overview of my background, I am a semi-retired private investor. I was at one time a university lecturer in business. I have post-graduate qualifications in applied finance and investment, including two state prizes. Community activities have included, among several others, the position of councillor in the Brisbane Development Association.

Yours sincerely

A handwritten signature in black ink, appearing to read 'W.A. Edwards', with a long horizontal flourish extending to the right.

W.A. Edwards (William Alexander Edwards)