



**V T Moore**

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Mr David Sullivan  
Committee Secretary,  
Senate Foreign Affairs, Defence and Trade References Committee,  
Parliament House,  
PO Box 6100  
Canberra ACT 2600.

Dear Sir,

A Submission into:

The Commonwealth's treaty-making process, particularly in light of the growing number of bilateral and multilateral trade agreements Australian governments have entered into or are currently negotiating, including:

- a. The role of the Parliament and the Executive in negotiating, approving and reviewing treaties;

*The idea that a "cabinet executive" can unilaterally make decisions on policies as important as multilateral trade agreements is an anathema to the good governance of Australia.*

*The ongoing court action involving the Australian Government and the Phillip Morris group is stark proof that unilateral decisions have no place in determining the content of trade agreements. Whether by omission, stupidity or deliberation, the Government or individuals within the executive, of that time, has allowed a devious immoral corporation to sue Australia's people some 13 years later, something that should be abhorrent to the elected members of today.*

*Parliament alone should be the sole approval authority in committing the Australian people to involvement in such Multilateral Trade Agreements.*

- b. the role of parliamentary committees in reviewing and reporting on proposed treaty action and implementation;

*No Comment*

- c. the role of other consultative bodies including the Commonwealth-State-Territory Standing Committee on Treaties and the Treaties Council;

*No Comment*

- d. development of the national interest analysis and related materials currently presented to Parliament;

*No comment*

- e. development of the national interest analysis and related materials not currently presented to parliament, such as the inclusion of environmental impact statements;

*No comment*

- f. the scope for independent assessment and analysis of treaties before ratification;

*No comment*

- g. the scope for government, stakeholder and independent review of treaties after implementation;

*No comment*

- h. the current processes for public and stakeholder consultation and opportunities for greater openness, transparency and accountability in negotiating treaties;

*No comment*

- i. a comparison of the consultation procedures and benchmarks included by our trading partners in their trade agreements;

*No comment*

- j. exploration of what an agreement which incorporates fair trade principles would look like, such as the role of environmental and labour standard chapters;

*The concept that business should be aided and abetted by Government policy and actions, in their endeavours to make a profit, should be removed from all trade negotiations.*

*Governments have no place in business. The Government's role is to facilitate the environment in which such business can operate. If there are disputes then it is to be settled between governments at that level.*

*Disputes between companies have the avenues through various court procedures to come to a resolution.*

*There is absolutely no ethical or moral requirement for involvement between Corporations and the State.*

*Investor State Dispute Settlement clauses, in trade agreements, are to the detriment of the Australian people in their right to govern themselves, and are not to be included.*

k. related matters.

*No comment*

**Vincent Moore**