International Compliance Regimes:

A Public Sector Without Restraints

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Abstract: Though there is no international government, there are many international regimes that enact binding regulations on particular matters. They include the Basel II regime in banking, IFRS in accountancy, the FIRST computer incident response system, the WHO's system for containing global epidemics and many others. They form in effect a very powerful international public sector based on technical expertise. Unlike the public services of nation states, they are almost free of accountability to any democratically elected body or to any legal system. Although by and large they have acted for good, the dangers of long-term unaccountability are illustrated by the travesties of justice perpetrated by the International Labour Organisation Administrative Tribunal.

The international compliance regimes: overview

There is no world government. United Nations decrees are in general voluntary and are ignored when convenient. But the appearance of international chaos is deceptive. In particular areas there are a great number of international legal and semi-legal regimes that protect against risks of death and many lesser dangers, such as the risk of bank failures. They achieve compliance in most countries (Franklin, 2005, which contains some of the early text of this article).

We exclude from consideration in this article such high-profile organs of international governance as the World Trade Organization, the International Monetary Fund, international courts and the United Nations itself. Although some of the issues concerning them are similar, they are much more explicitly

subject to the interventions of national governments and other political pressures than the more technical regimes considered here. These technical regimes have slipped in “under the radar” and acquired influence, without so far much consideration of the issues arising.

Maritime safety has perhaps the longest history, no doubt because of the international nature of the high seas and the obviousness of the risks there. Piracy has attracted international efforts to suppress it for centuries (Lambert, 2005). and in the nineteenth century the main maritime nations, after nationalizing their own provision of lighthouses, competed as a matter of national pride in making their own coasts safe for international shipping and in building lighthouses in far-flung colonial outposts (Schiffer, 2005). Rescue at sea has been facilitated by a system that has developed through rapid changes in communication technology, from the standardization of distress radio frequencies at the 1906 International Radiotelegraph Convention to the present Global Maritime Distress and Safety System (Thompson, 1992; Palmer, 2006; GMDSS). Epidemics too are not confined by national boundaries, and from the mid-nineteenth century international health measures have been negotiated in response to them, such as the International Sanitary Convention of 1892 aimed at preventing the spread of cholera (Fidler, 1999). The World Health Organization now maintains a long-term system of International Health Regulations and, for emergencies, the Global Outbreak Alert and Response Network (World Health Organization Global Outbreak Alert and Reponse Network). There is a good deal of de facto international jurisprudence arising (Fidler, 2000; 2004). There was a similar process with regulation of testing for pharmaceuticals, where there is effectively a single international standard (although there is not a single international market) (Abraham and Davis, 2005; Motarjemi, van Schothorst and Käferstein,

2001). In more recent decades, environmental concerns have resulted in further international regulation, such as the Montreal Protocol that successfully banned CFCs because of concerns about the ozone hole (DeSombre, 2000/2001), though later efforts with the Kyoto Protocol on global warming have not been so successful (and there is rather little on natural disasters (Birkland, 1997)). Among the most recent but most developed systems is the computer security incident response system directed by the Forum of Incident Response and Security Teams, which handles both computer intrusions and software vulnerabilities (FIRST).

Commerce and finance have always been international in scope and so have had very long experience in international co-operation in dispute resolution, standardization and regulation, going back to the medieval supra-national Law Merchant. Later developments with similar causes resulted in international standardization of, for example, intellectual property law under the Berne Convention (WIPO), and the International Chamber of Commerce's Uniform Customs and Practice for Documentary Credits and its court of arbitration (ICC).

The banking and accountancy international regimes

In recent years, banking and accountancy have been at the forefront in enforcing international compliance regimes. In banking, a very powerful international body, the Committee on Banking Supervision of the Bank for International Settlements in Basel, enforces the Basel II standards (Basel Committee on Banking Supervision, 2004; Marrison, 2002, ch. 23). The global reach of banks means that any regulation needs to be international to be fully effective, as otherwise banks can evade regulation through offshore operations

(Eatwell and Taylor, 2000). Formally, the Committee represents only the central banks of the G10 countries and has no legal standing or legal backing of its own. The Basel Committee operates on the premises of the Bank for International Settlements, an international organisation, but is not an organ of the BIS, nor do its decisions need to be ratified by the BIS or by any national governments, (Ghosh, 2005) (though in 2005 directives that in effect implemented Basel II were approved by the European Parliament. Nevertheless, compliance with its standards by the large banks in the major banking nations is almost total. In 2002, 90% of countries claimed to be following the (earlier) Basel I capital adequacy standard (Ho, 2002).

The central concern of the Basel standards is risk. The standards require banks to quantify their credit, operational and trading risks, ranging from the risks of default by creditors and through foreign exchange losses to internal frauds and tsunamis. Banks must then show they have enough capital reserved to survive all but the worst of those risks. The essential difference between the older Basel I standard and the new Basel II with regard to risk is that the latter permits banks to evaluate their risks using any internal models and sophisticated statistical technology they wish, provided they secure prior approval from the (national) regulator (such as the Federal Reserve Board in the US, the Bank of England, and in Australia the Australian Prudential Regulation Authority (APRA)) and the regulator approves. The national regulators are set up by national governments but the principles on which they operate are international.

Accountancy is still in the process of developing a truly international set of standards, the International Financial Reporting Standards (International Accounting Standards Board), and an international compliance regime to enforce them. The industry is however very used to compliance, as much of its work in

the last century and a half has come from state-imposed audit laws (as opposed to arising from any innate desire of managers to understand the finances of their businesses). The IFRS are promulgated by the International Accounting Standards Board of London and are planned to converge with the standards of the Financial Accounting Standards Board of the U.S. in due course. As in banking, there has been a move towards correct abstract principles, for example in adequately pricing options and intellectual property, but there has not been much explicit reference to ethical principles.

In both the banking and accountancy cases, the international regulator that sets the standards represents the industry's practitioners, not any national government or international political organization such as the United Nations. But it acts in individual countries via regulators that do have legal force. The strength of the systems lies in the high level of agreement between national governments and the organizations of practitioners on the need to found stability of the industries on standardised international practice based on expert knowledge.

The nature of the compliance regimes

The developments of this kind that have been successful form part of a wide international process whereby urgent globalised risks are taken in hand by global agencies whose directives based on technical expertise have wide applicability via a network of national affiliates. The result is a system of international legal or semilegal regimes based generally on sound abstract principles, free of the idiosyncracies endemic to individual legal systems. They have a status close to a de facto global law. The highly technical nature of these developments has

caused them to be somewhat overlooked by humanities-oriented legal and political theorists. It has also meant that the development of these regimes has not been much hindered by concerns about loss of national sovereignty. The apparently non-legal and semi-voluntary nature of the standards has contributed to the ease of their acceptance by those who might be concerned about threats to sovereignty, while their being based on technical expertise gives them credibility as relevant solutions to the problems (Kerwer, 2005). The role of committees of experts means that the setters of the standards are to some degree accountable to the body of relevant experts (though not to anyone else).

No view of the legal and ethical aspects of international co-operation can be complete without taking account of these widespread and rapid developments.

It is true that there are many areas where the globalisation of regulation might in principle be desirable but where there are no important risks motivating the sense of urgency that standardisation would require. Examples include antitrust regulation (Piilola, 2003), media ownership and content rules, labour law, agricultural subsidies and gambling, not to mention such perennially festering unsolved problems as refugees and African poverty.

Problems with accountability in the international compliance regimes

Experience with compliance regimes has been by and large positive. A great deal of investigation is undertaken within companies to identify the risks targeted by the banking and accountancy compliance regimes, for example, and on the whole it is done in good faith. Compliance is very expensive, but most of the expense is borne by the companies and there is arguably a large payoff both to them and to their customers and the general public in the higher standards of

corporate governance and transparency enforced on all the competitors across entire industries. It is becoming hard in those industries to play “regulatory arbitrage” by moving operations offshore to avoid stringent local laws: one can set up a bank in a “soft” country but maybe no-one will invest money in it.

Furthermore the negotiation among experts from many national traditions to create the international regimes has proved fruitful in separating principles that can be agreed on from national idiosyncracies resulting from historical accidents. A statistician with Basel II expertise can work anywhere in the world because the principles of risk are the same all over the world (indeed, in all possible worlds, because they are just part of mathematics).

That positive experience is cause for optimism for those who hope compliance is the way forward between unrestrained capitalism and state socialism. A “market socialism” or “regulated capitalism” should be able to restrain the excesses of greed, but if the restraints are aligned with abstract principles that anyone can understand, they should not have the deadening effect on initiative of state socialism’s bureaucratic apparatus (Franklin, 2001).

However, there remain some ethical concerns. They arise from two related sources. The first is the lack of accountability of the international regimes. There is some understanding of how public sector accountability works within (successful) nations: the authority exercised by public officials is seen as delegated by “the people”, whose rights and interests they ought to respect. There is a complex web of formal channels of accountability, with individual public servants accountable to superiors, superiors accountable to ministers, ministers accountable to Parliament, and Parliament accountable to electors. (Funnell and Cooper, 1998, ch. 2). In addition other bodies representing the interest of the people, such as parliamentary inquiries, the legal system, ombudsmen, anti-

corruption commissions and so on have a right to inquire into and impose sanctions against a wide range of unethical behaviour (Mulgan, 2003). While there are many opportunities for those pathways of accountability to be frustrated, there is also the ever-present possibility of a "ministerial" with awkward questions coming down the line as a result of a letter from a constituent with a reasonable complaint and a media contact.

That strategy for accountability does not easily apply to the international regimes because of their international character and the lack of any effective international parliament or legal system.

As the title of one book asks, *Who Elected the Bankers?* (Pauly, 1997) No-one elected them, but they were able to decide among themselves not only the composition of the international banking regulator but the scope and limits of its operation. None of these regimes are subject to the control of any elected body. Nor is the international legal system sufficiently well-developed to provide any clear avenue of appeal for any parties who may feel aggrieved by their actions. (It is true that a similar criticism could be made of the legal system, which has little accountability to anyone outside itself. But the legal profession is acutely aware of the problem and takes care in its professional training and by the actions of its professional bodies to inculcate standards of responsibility in its members; there is nothing comparable for those who operate the international compliance regimes.)

Secondly, the lack of accountability extends to the constitution of the compliance regime itself, that is, the choice of what standards the regime will enforce and what problems those standards will address. Because of the way the regimes have developed through negotiation among industry experts, the standards tend to emphasise technical problems internal to the industries rather

than ethical problems that outsiders might find of concern. For example, the Basel II regime concentrates on identifying the risks to banking stability and the holding of reserves against those risks. That is an important requirement for international banking but has nothing to say about the ethical behaviour of the banking industry, for example its role in hiding the ill-gotten gains of third world dictators or any anti-competitive behaviours it may engage in. Likewise the international standards of the pharmaceutical industry concern the adequacy of drug trials rather than, say, the pricing of drugs in third world markets or the choice of diseases to develop drugs against. Those limitations must temper one's optimism that the compliance regimes can act as adequate restraints on the industries as a whole.

It is likely that the narrow and technical focus of some of these regimes will come back to haunt the regulatory authorities when ethical scandals surface in the future. The public will ask "Why was there no action by the powerful body that was supposed to be regulating the industry?" The body will reply "That is not our department." That again is different from normal public sector accountability within a single country, where parliamentary or legal inquiries can in principle investigate any aspect of the behaviour of a public sector body that may be suspected of being contrary to the public interest. The "not my department" excuse will not cut much ice. Powerful international compliance regimes are the only global authorities in their industry. They will not be able to avoid the ethical demands placed on them by their position of dominance. They should plan for this "ambit risk" now.

There are indeed some moves in that direction. APRA, for example, accepts that there is a connection between the ethical behaviour of a financial institution towards its shareholders and its risks of failure, connections which justify

APRA's interest in ethical matters. Charles Littrell, APRA's Executive General Manager, says "APRA very much prefers to see ethical investor treatment by its regulated entities; ethical action implies but does not guarantee a sound prudential position", and he therefore expresses concern about possible conflict of interest by retail investment advisers who are paid on a commission basis to recommend financial products:

> "Imagine you went to a doctor with a sunburn, and the doctor prescribed you medicine for diabetes. When you asked why this unusual approach was taken, how would you feel if the doctor explained that the diabetes medicine company paid him more in commission than the sunburn ointment company? There is at least the potential for this outcome in commission driven investment advice." (Littrell, 2002)

He also recommends that APRA should use as evidence of a company's risks not only standard statistical indicators but knowledge of the record of the people running the company. That is again to take a decidedly aggressive, though very reasonable, view of how a regulator's brief to evaluate risk can extend to ethical inquiries.

Local scandals

The risks of overlooking scandals in compliance regimes can be seen in two past local incidents. The purpose of considering them here is to contrast what happened to expose them with what could (or could not) happen if there were a similar scandal in an international compliance regime.

The Royal Australian and New Zealand College of Psychiatrists was set up as an industry club, for the accreditation of new members and the discussion of matters of concern. It was not intended as a body to handle complaints against psychiatrists. In 1981 it received a complaint about the activities of Dr Harry Bailey, whose shocking misuse of deep sleep therapy at Chelmsford Hospital had been a subject of newspaper discussion for years. Bailey was a member of the College. The College found that it could not accept a complaint about him as the requisite $10 had not been attached to the application (Slattery, 1990). The College has taken initiatives since then to deal with ethical problems, notably over psychiatrists' sexual relationships with patients, but it is still inhibited by fears of being sued by any member it accuses, and its relationship with the duties of the New South Wales Medical Board is far from clear (ABC Radio, 2004).

More recently, the wheat export bribery scandal has exposed the weakness of the body charged with oversight of the industry. The Wheat Export Authority was established in 1999 "to facilitate the operations of Australia's legislated wheat export arrangements and inform Government and growers of outcomes". It is in some sense a regulatory authority, since its role is to "monitor compliance with the conditions of export consents issued". Its sole job is thus to monitor and report on the performance of Australia's wheat exporting companies. The number of these companies is one: the Australian Wheat Board. So is it the Authority's job to examine the ethics of the AWB's contracts in, for example, Iraq? That is not so clear from the wording of the Wheat Marketing Act which set up the Authority. The Act merely says that its functions are

"(a) to control the export of wheat from Australia;

(b) to monitor [the Australian Wheat Board's] performance in relation to the export of wheat and examine and report on the benefits to growers that result from that performance."

The Authority has a complex "monitoring reporting framework" (Wheat Export Authority) with "reporting objectives" and "specific report measures" that are intended to issue in public information on whether the Australian Wheat Board has handled supply chain costs, product differentiation and so on. There is a vague reference to "corporate governance" but it is quite unclear if there should be monitoring of any ethical aspects of AWB's activities such as the payment of kickbacks to Saddam Hussein. Certainly, no-one else was monitoring them. When there were rumours in the press in 2004 that there had been kickbacks paid by AWB, the Authority did feel some obligation to make inquiries. But not very forceful inquiries. They asked the AWB politely if they had been doing anything wrong, looked at some contracts AWB showed them, and left it at that. Cross-examined by the Cole Inquiry on March 3, 2006, the CEO of the Authority, Glen Taylor, said

> "It would not be my view that the scope of the WEA performance monitoring function would extend to the AWBI's (AWB International) possible breach of UN sanctions." (Sexton, 2006)

However the Chairman of the Authority, examined by the Senate Estimates Committee on the same matter, put it differently. After correcting and apologising for his earlier testimony that he knew nothing about "trucking fees", he said about the 2004 "investigation" into the kickbacks rumours:

> "We did our job. We went down there, we looked them in the eye, they came back, looked us in the eye and said look, we've done no wrong, here's our code of conduct, here's our agency facilitation thing, we looked

> at that. What more do you do? I mean, we trusted them and you have to ask the question – were we unwise to do so? I don't know the answer to that. I would reserve my judgement on that until I see what Cole comes out with." (ABC Radio, 2006).

Two aspects of the case are entirely typical of the way statutory bodies charged with compliance conduct their business: it is unclear in their charters whether ethical questions fall within their purview, and they regard their job as done if they check the documentation supplied to them by the body being monitored. As the AWB case shows, the combination of the two creates an ideal opportunity for an unscrupulous body to cover up a scandal.

These two examples are national, so that there is some degree of accountability. Indeed, that is why we know about them: inquiries were set up by a state or national government (partly in response to media pressure) which exposed the facts. It is of concern that the same is unlikely to happen if there is a scandal in an international compliance body.

Escape from accountability: the ILOAT case

The United Nations has always been a byword for lack of accountability, so it is not surprising that there have been such scandals. The area of UN internal administrative labour law (the law of the international civil service) is adjudicated on by the International Labour Organisation Administrative Tribunal. The ILOAT is older than the UN itself, being a descendant of the League of Nations Administrative Tribunal. It is the court for labour disputes such as workplace harassment, promotions difficulties, unfair dismissal, discrimination and the like, not only for the employees of the United Nations and

the International Labour Organisation itself but for associated UN international organisations, such as the World Health Organisation, the International Telecommunications Union, the European Patent Office, and many others. It is thus the labour law court for a workforce of 40 organisations with around 35,000 to 40,000 thousand workers worldwide.

The legal immunity enjoyed by the United Nations has allowed the ILOAT to develop without pressure to conform to legal norms that are accepted in national courts as essential to the implementation of justice (Reinish and Weber, 2004). For example, in modern Westminster democracies ordinary, legislative reforms on topics such as occupational health and safety are applicable, and human rights have a degree of protection through the separation of powers between parliaments and courts.

Partly due to lack of law reform, the internal UN Tribunals, the ILOAT and the United Nations Administrative Tribunal (UNAT), neither of which have been subject to external review for several decades, have evolved features which by normal legal standards are quite unusual. They include:

1. A refusal to take oral evidence: like the Holy Inquisition, the court allows only documents to be submitted as evidence (despite many requests); there are no witnesses and no cross-examination. Despite a statute (International Labour Organisation, 2006) which clearly anticipates the holding of public hearings and the adducing of evidence from complainants and witnesses, the Tribunal has failed to permit calling evidence, whether expert or lay, in any hearing for the past 16 years.
2. A lack of any avenue of appeal to an independent court of appeal.
3. A lack of a formal process of document discovery, in particular, no procedures for either subpoenas (a form which compels the receiving party to

produce documents to the court, an enforceable procedure) or freedom of information. There is no opportunity to argue points of law relating to document discovery.

4. A lack of commitment to the doctrine of precedent means that caselaw may be overturned, without any need to provide reasons.

5. A lack of independence in the appointment of judges: judges are appointed on short-term renewable contracts. Renewal is at the discretion of the UN, which is one of the parties to proceedings before those very judges.

It is not surprising that the success rate of cases brought before ILOAT by UN employees is very low and that there are many individual instances of lack of justice. There is an organisation devoted to reforming the ILOAT and similar tribunals, the Centre for Accountability of International Organisations (CAIO) but so far it has not made much progress despite the obvious justice of its case.

An initial way forward

It has to be asked how a start can be made on accountability mechanisms for the international compliance regimes, even in the absence of a viable international government or legal system to enforce any resulting decisions. As a first step, each compliance regime should set up an independent body that would consider complaints about the regime's actions (and of course, resource it and agree to abide by its decisions). A partial model might be the Australian Banking and Financial Services Ombudsman (Banking and Financial Services Ombudsman). It is an example of self-regulation by the industry, but the members (that is, individual banks) have agreed to be bound by the Ombudsman's decisions. The terms of reference are limited to disputes between

individual customers and banks up to the value of $250,000 and thus exclude matters of policy like interest rates, fees and bank closures. No doubt the industry benefits by having these sorts of disputes resolved instead of festering to the detriment of the industry's public image or issuing in expensive litigation. On the international scale, the terms of reference of an international appeals tribunal or ombudsman for, say, the Basel II regime would need to consider policy matters, since that is what the Basel II regime deals in. It seems credible that the bodies administering the international regimes would understand the benefit of an independent dispute-resolution body, which would preserve them from the opprobrium of being seen to be judges in their own case when disputes arise.

Conclusion

Compliance regimes, national and international, have immense and increasing powers. They have generally proved a force for good, but much more attention needs to be paid both to making them accountable (to stakeholders, to governments and to legal systems) and to debating their *raisons d'etre* and the parameters on which they act.

References

ABC Radio (2004). `The Health Report'; Crossing the line in doctor/patient relationships, 22 Mar, from http://www.abc.net.au/rn/talks/8.30/helthrpt/stories/s1068270.htm

ABC Radio (2006). `The World Today'; Wheat Export Authority Chairman questioned over AWB scandal, 14 Feb, from http://www.abc.net.au/worldtoday/content/2006/s1569535.htm

J. Abraham and C. Davis (2005). `A comparative analysis of drug safety withdrawals in the UK and the US (1971-1992): Implications for current regulatory thinking and policy', *Social Science and Medicine*, Vol. 61 no. 5, pp. 881-92.

Banking and Financial Services Ombudsman, http://www.bfso.org.au

Basel Committee On Banking Supervision (2004). Basel II: International Convergence of Capital Measurement and Capital Standards: a revised framework, http://www.bis.org/publ/bcbs107.htm

T. A. Birkland (1997). *After Disaster*, Georgetown University Press, Washington DC.

CAIO (Centre for Accountability of International Organisations), http://www.caio-ch.org/

E. R. DeSombre (2000/2001). `The experience of the Montreal Protocol: particularly remarkable, and remarkably particular', *UCLA Journal of Environmental Law & Policy*, Vol.19 no. 1, pp. 49-81.

J. Eatwell and L. Taylor (2000). *Global Finance at Risk: the case for international regulation*, New Press, New York.

D. P. Fidler (1999). *International Law and Infectious Diseases*, Clarendon Press, Oxford, ch. 2.

D. P. Fidler (2000). *International Law and Public Health: Materials on and Analysis of Global Health Jurisprudence*, Transnational Publishers, Ardsley, N.Y.

D. P. Fidler (2004). *SARS, Governance and the Globalization of Disease*, Palgrave, Basingstoke.

FIRST (Forum of Incident Response and Security Teams), http://www.first.org

J. Franklin (2001). `Regulated capitalism, market socialism', *Dissent* no. 5, pp. 11-13.

J. Franklin (2005). `Risk-driven global compliance regimes in banking and accounting: the new Law Merchant', *Law, Probability and Risk*, Vol. 4 no. 4 pp. 237-50.

W. N. Funnell and K. Cooper (1998), *Public Sector Accounting and Accountability in Australia*, UNSW Press, Sydney.

S. Ghosh (2005). `Evolving international supervisory architecture: Design, rationale and policy reform', *J. of Banking Regulation*, Vol. 6 no. 3, pp. 246-60.

GMDSS (Global Maritime Distress and Safety System), http://gmdss.com

D. E. Ho (2002). `Compliance and international soft law: why do countries implement the Basel Accord?' *J. of International Economic Law,* Vol. 5, pp. 647-88.

ICC (International Chamber of Commerce), Commission on Banking Technique and Practice, http://www.iccwbo.org/policy/banking/id2424/index.html

International Accounting Standards Board (2006). International Financial Reporting Standards, http://www.iasb.org/standards

International Labour Organisation. Statute and Rules; http://www.ilo.org/public/english/tribunal/

D. Kerwer (2005). `Rules that many use: Standards and global regulation', *Governance,* Vol. 18 no. 4, pp. 611-32.

F. Lambert (2005). *The Barbary Wars: American Independence in the Atlantic World*, Hill and Wang, New York.

C. Littrell (2002). Speech at Sustainable Governance Conference; http://www.apra.gov.au/Speeches/02_13.cfm

C. Marrison (2002). *Fundamentals of Risk Management*, McGraw-Hill, Boston, ch. 23.

Y. Motarjemi, M. van Schothorst and F. Käferstein (2001). `Future challenges in global harmonization of food safety legislation', *Food Control,* Vol. 12 no. 6, pp. 339-46.

R. G. Mulgan (2003). *Holding Power to Account: Accountability in Modern Democracies,* Palgrave Macmillan, New York.

S. Palmer (to appear 2007). `Safety regulations for shipping' in *Oxford Encyclopedia of Maritime History*, ed. J. B. Hattendorf, Oxford University Press, Oxford

L. W. Pauly (1997). *Who Elected the Bankers?,* Cornell University Press, Ithaca, NY.

A. Piilola (2003). `Assessing theories of global governance: A case study of international antitrust regulation', *Stanford J. of International Law,* Vol. 39 no. 2, pp. 207-51.

A. Reinish, and U. A. Weber (2004). `In the shadow of Waite and Kennedy: The jurisdictional immunity of international Organisations, the individual's right of access to the courts and administrative tribunals as alternative means of dispute settlement', *International Organisations Law Review*, Vol. 1 no. 1, pp. 59-110.

M. B. Schiffer (2005). `The electric lighthouse in the nineteenth century: Aid to navigation and political technology', *Technology and Culture,* Vol. 46 no. 2, pp. 275-305.

J. Sexton (2006).`Watchdog chief trusted monopoly to tell truth', *The Australian*, 4 Mar.

J.P. Slattery (1990). Report of the Royal Commission into Deep Sleep Therapy (Sydney), vol. 3 p. 229.

J. L. Thompson (1992). `The global maritime distress and safety system: history of maritime safety communications', *Telecommunication J.*, Vol. 59 no. 1, pp. 26-31.

United Nations Development Programme. Montreal Protocol; http://www.undp.org/montrealprotocol/montreal.htm

Wheat Export Authority. Wea Performance Monitoring Reporting Framework; http://www.wea.gov.au/monitorawbi/framework.pdf

World Health Organization. Global Outbreak Alert and Reponse Network; http://www.who.int/csr/outbreaknetwork/en/

World Health Organization. International Health Regulations; http://www.who.int/csr/ihr/en/

WIPO (World Intellectual Property Organisation), Berne Convention for the Protection of Literary and Artistic works, http://www.wipo.int/treaties/en/ip/berne

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