

8 December 1999

A SUBMISSION

To the Legal Constitutional and Administrative Review Committee of the Legislative Assembly of Queensland by the National Civic Council (Old Division).

RECEIVED
 - 9 DEC 1999
 LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE
 Submission No 4

We thoroughly support and applaud the three specific proposals which have been advanced by the June, 1999, Seminar in association with the Australian Study of Parliament Group.

The proposals should widen and improve the means whereby the public at large will be able to contribute to the possible improvement of Treaties under consideration.

In normal circumstances, it would not be our wish to add to the existing burdens of State Parliament but our experience in recent times shows that an overhaul is needed in the treaties system currently in use.

May we explain briefly the frustration we experienced with the present system which is limited to the Federal Parliamentary sphere.


We take as an example the Fifth Protocol to the General Agreement on Trade in Services (Financial Services). This is not the only case which is subject to complaint but it is, perhaps, the worst.

A notice concerning eight different Treaties, including the one under reference was inserted in the "W.E. Australian" (16-17 /5/98). This was the **ONLY** notice used and, as you may see in the reproduction of the same-size, each Treaty was described in one or two lines.

To the relatively few readers of the paper who also peruse the public notices and who happened to see the insertion, most of the brief Treaty references are or were meaningless. In fact, the Treaty notice was seen by a former academic who advised our office to seek details of the second of the eight treaties mentioned.

We did and were able to alert a number of local people interested in and capable of submitting submissions before the closing date. The submissions lodged numbered 15 and all came from people we contacted in the Brisbane area. No submissions were lodged from the other States. When complaints were made with the staff of the J.S.C.O.T. on the basis that far more should be done to make the Treaties action better known throughout Australia, we were informed: "We thought organisations like yours would spread the word throughout the community." The remark may have been made as a lame jest but it tended to show that at that level, the breakdown in public communications was not taken seriously.

W/E. Aust 16/17/98



PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
 JOINT STANDING COMMITTEE ON TREATIES
Treaties Under Consideration

The treaties listed below have been tabled in the Parliament and were referred to the Joint Standing Committee on Treaties for consideration and report.

- Comprehensive Nuclear Test Ban Treaty
- Fifth Protocol to the General Agreement on Trade in Services (Financial Services) ←
- Amendment to the Montreal Protocol on Substances that Deplete the Ozone Layer
- Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
- Films Co-Production Agreement with Ireland
- Investment Protection and Promotion Agreement with Pakistan
- Amendment to the Agreement with New Zealand on Social Security
- Headquarters Agreement with the Commission for the Conservation of Southern Bluefin Tuna

Copies of these documents are available from the Secretariat.

Comments or submissions on any of the above should be sent, by no later than Friday 12 June 1998, to:

The Secretary
 Joint Standing Committee on Treaties
 Parliament House
 CANBERRA ACT 2600

Telephone: (02) 6277 4002
 Facsimile: (02) 6277 4827
 Email: jsct@aph.gov.au

That case – involving not one but eight important Treaties – was serious but the even more serious factor is that there is still no improvement in the way these inquiries are being advertised or communicated to the public at large and not just to the relatively tiny group who read the "Australian's" public notices regularly.

Our second complaint with the present system which we trust will be improved by increased State Parliamentary interest, lies in another aspect of public communications.

Recently, the Minister for Trade (The Hon Mark Vaile, MP) announced that Public Hearings on the World Trade Organisation Agreement would be held in various States throughout Australia. Two were listed for Queensland – one in Brisbane and one in Bundaberg. We contacted the Department and pointed out the need for, at least, two more hearings in places like Townsville and Rockhampton, in keeping with the population spread. Eventually, Townsville was given a hearing but that was the only addition.

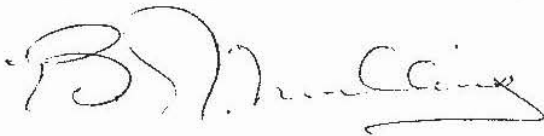
More than 100 people attended the Brisbane Hearing and it rapidly developed into a farce. In the first instance it was made known that the Minister's representative would not only be reporting the Department's progress but would be taking note of the views and comments made by those present in the final hour of the "Hearing". As no effort was being made to record these views and oral submissions for the information of the Minister and his senior staff members, the gathering protested loudly. Eventually, a local official began to take notes and, later, received written submissions on behalf of the Department. The Brisbane Hearing was held on Wednesday, 22nd September and we understand nobody who handed in or later sent their submissions to the Trade Department has yet received an acknowledgment – 2½ months after the event!

We inform you of these matters simply to show that the present system is in dire need of an over-haul.

We do not want the State Parliament to fully engage in an area that is not its constitutional right but we believe that it can improve the system by monitoring the process of Treaty making and pressing for changes particularly in those areas to which we have referred.

As well, there is a tremendous reservoir of knowledge, experience and competence in our State Departments that could be made available to the Treaty making process. This factor, we believe, is worthy of serious consideration by your Review Committee.

On behalf of the National Civic Council (Old Division), I thank you for the opportunity to bring these thoughts to the attention of your Committee.



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