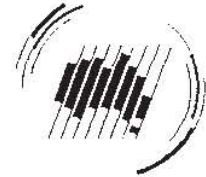


Submission No 5
Spec 23.1



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

Dear Madam/Sir

Role of the Queensland Parliament in Treaty Making

I refer to a letter from Mr Gary Fenlan, MLA inviting submissions on three specific proposals emanating from a seminar held in June 1999 on the role of parliament in treaty making to improve parliamentary awareness of, and involvement in, the treaty making process.

As an organisation that has, and will continue to, develop treaties we welcome the preliminary position paper prepared by the Legal, Constitutional and Administrative Review Committee (the Committee). We believe that the preliminary position paper presents a well balanced response to the proposals emanating from the June 1999 Seminar.

We support the Committee's response regarding the availability of information about proposed treaty actions (Committee Proposal 1 [page 5, Column 2]). While we have improved the level of consultation between our organisation and the State Development of Premier and Cabinet this has not always translated into greater understanding by parliamentarians, particularly cabinet ministers, whose consideration and endorsement of proposed treaties is necessary for treaty action to take place.

The Committee's proposal would raise the awareness of proposed treaty actions with State parliamentarians. Whereupon interested members of the Queensland parliament could approach the Queensland Department of Premier and Cabinet, or the agency responsible, for more detail information.

We support the Committee's response regarding the establishment of a dedicated committee to review proposed treaties (Committee Proposal 2 [page 6, Column 2]), and the establishment of an inter-parliamentary working group on treaties (Committee Proposal 3 [page 7 column 2]). We concur that the establishment of such a committee or working group would not add any benefit over existing mechanisms coupled with the adoption of Committee Proposal 1.

We believe that the additional time to undertake separate reviews in each jurisdiction may delay the treaty making process and may have an adverse effect on trade. For example, delays coursed by separate consideration by States and Territories with regard to the *Australia - European Community Mutual Recognition Agreement on Conformity Assessment, Certificates and Markings* had a significant effect on the market share of a number of high value, high technology exporters based in Queensland and other jurisdictions.

We could not support any mechanism which could further delay the current process for considering proposed treaty actions. In this light we support the Committees response not to establish dedicated parliamentary committees or inter-parliamentary working groups.

Once again we congratulate the Committee on its consideration of and response to the proposals emanating from the July 1999 Seminar.

Yours faithfully



Vicki Brown
General manager
Business Environment Branch

10 December 1999