



Submission No 6

The Research Director,
Legal, Constitutional, and Administrative Review Committee,
Parliament House,
Brisbane 4000.

Submission; re The Role of the Queensland Parliament in Treaty Making

As an ordinary Australian with no particular qualifications relevant to the subject of treaty making, I first became interested in the subject during the discussion on the Multilateral Agreement on Investment.

My interest has continued and has centered around the implications of Australia's membership of the World Trade Organization. Membership of the WTO has broad and far-reaching implications for the Queensland Government (and indeed all the State and Territory Governments.) For this reason I am grateful for the opportunity to proffer this submission.

While the reforms of 1996 are welcome, I believe that additional measures should be implemented to ensure the welfare of Queensland and its citizens.

Committee Proposal 1

I fully support this proposal.

Information regarding Treaties should be freely and widely available to both our parliamentarians and the public and it should be made available at a time when meaningful public consultation can occur

I therefore suggest that all Treaties be tabled, not merely periodically, but immediately they become available, so that members of the Parliament may be in a position to inform interested constituents regarding treaty issues of interest to those constituents.

I am not quite sure what 'tabling' actually involves. If it means merely listing the treaty by its title or name, then I suggest that this is inadequate. I would suggest that a brief outline of the contents or intent of the treaty should be included, so that both parliamentarians and members of the public may become more easily informed on matters of interest to them.

In this context I would like to comment briefly on the procedure followed by the Federal Government leading up to the Ministerial Meeting in Seattle

In February 1999 Tim Fisher initiated a process of public consultation allegedly to seek input from civil society on what Australia's negotiating position should be at the Seattle Ministerial. Submissions were called for and from those submissions, an issues paper was developed. This paper was not circulated until August and the follow up public meetings were not completed until early October. Since the Seattle meeting began on November 30th, it was abundantly clear to those of us who had an interest in the matter, that little or no would be taken of our views because of the time frame.

I therefore submit that the earlier these things are put into the public domain, the better

I also support the proposal that all other treaty information such as National Interest Analyses be tabled.

Committee Proposal 2

Here I support the Western Australian position.

I believe that as a matter of urgency the Queensland Parliament should set up a standing committee to be responsible for the review of all matters concerning treaties and that a protocol be established so that this committee is informed by the Commonwealth Government of the texts of all National Interest Analyses, all treaties being negotiated, all treaties that have been signed, all treaties on which binding action has been taken, any domestic legislation that will be required to give effect to treaty obligations, any impact that a treaty may have on existing legislation, any domestic legislation that has been passed by the Commonwealth Government, or is proposed, to give effect to treaty obligations.

And most importantly that, allowing for urgent treaty action, the Commonwealth Government only take binding action on any treaty after JSCOT has received representations from the Queensland Government.

My concern is with the world trading system as embodied in the rules and regulations of the WTO. These pose a very real threat to the rights and sovereignty of this State, and the other States and Territories. Any Queensland Law can potentially be challenged now, or at some future time, by any one of our trading partners as a barrier to trade. And, since only national governments can be represented at the dispute resolution panel, this State could be placed in a very invidious position.

I understand that not all treaties affect Queensland and that the majority of treaties do not contain controversial subject matter. However in the current climate of the world trading system, the potential for adverse effects is so great that I believe we can leave nothing to chance and we must use every means possible to protect our rights and our sovereignty.

I also note your comments on the MAI and the internet. I would like to point out that the vast majority of the population do not have internet access and rely on conventional ways to get information.

I therefore urge you most strongly to adopt Proposal 2

Committee Proposal 3

I am interested to know here what SCOT does and where it publishes its findings. I have been following WTO matters and have never come across any information put out by SCOT.

I question however that SCOT is an adequate forum in which to address these matters. It was our experience in fighting the MAI that (in that case Treasury) officials were singularly unfitted to the task. I would therefore prefer to see an Inter-parliamentary Working Group on Treaties set up, comprising duly elected representatives of the people, who are accessible by and responsive to the wishes of the people.

I therefore support Committee Proposal 3

Terrie Templeton

14th December, 1999

