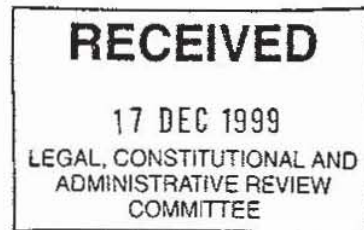


Submission No 8

15 December 1999.

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



Dear Sir

I appreciate this opportunity to comment on the Position Paper (No. 1) prepared by the Legal, Constitutional and Administrative Review Committee on the role of the Queensland Parliament in Treaty Making.

re Committee proposal 1

I note that DFAT provides a schedule of treaty negotiations to the States twice a year and in Queensland it goes to the Intergovernmental Relations Directorate of the Department of the Premier and Cabinet. I question whether advice at six monthly intervals allows sufficient up-to-date information for Queensland Parliament and Queensland citizens to be adequately informed.

I agree that the premier be required (by sessional order of the Queensland Parliament) to table the schedule of Treaties and other treaty information. However I think this should be required as soon as practicable, rather than periodically as mentioned in the proposal, and in sufficient time for Parliamentarians and citizens to become involved in consultation if they wish to do so.

I do not think the full text of treaties need be tabled, provided the schedule of treaties and treaty information tabled gives sufficient information to Parliament to enable Members of Parliament to decide whether they should request a copy of the full text through the Australian Treaties Library or from DFAT.

Some means must be found for citizens to become aware of treaty information which is tabled in Parliament in sufficient time for them to have an opportunity to comment if they wish.

I have been concerned about the lack of knowledge in the community about the treaties which the Commonwealth Government signs and believe this situation still exists in spite of the 1996 reforms. People with ready access to the internet seem to believe that everyone has similar access, whereas in fact a very small percentage of the population has this access. Without it, one is dependent on friends who can provide the information or on the public media. Unfortunately the public media does not seem to regard proposed treaties as news. Therefore the first indication most people have of a proposed treaty is when the Commonwealth Government calls for submissions and an advertisement is placed in the main daily papers. However, if the one advertisement is missed, there can be no response.

When I expressed concern to a Queensland Parliamentarian about a particular treaty, I was told there was no need to worry as the States would not allow the Commonwealth to sign it. This seems to be very doubtful advice.

re Committee proposal 2

We have been told that treaties have at least an indirect influence on Australian law and set principles which Government decision and policy makers have regard to. Who has responsibility in Queensland at present to study and advise the Government regarding proposed treaties which affect Queensland?

If no particular body has responsibility to do this, I think we need a committee to do so or to ask an existing committee to add it to their responsibilities. If this is not done, how would Parliament's view on the treaties tabled in Parliament be brought together?

The Position Paper included information about Victoria's quick response to ensure improvements in the consultation framework regarding treaties on the recommendation of the Victorian Federal-State Relations Committee. Does Queensland have a similar committee?

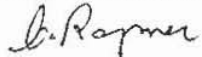
re Committee proposal 3

It seems that there is no formal arrangement for representatives from Commonwealth and State and Territory Parliaments to discuss proposed treaties, but that Commonwealth and State officials meet as part of the Standing Committee on Treaties. How effective are these meetings? and how much reporting back to State and Territory Parliaments occurs following these meetings?

I note that the Victorian Federal-State Relations Committee recommended that the Commonwealth Joint Standing Committee on Treaties liaise with the Victorian Parliament (and other State Parliaments) and include Territory Parliaments in conducting its treaty reviews.

I was impressed by the work of the Commonwealth Joint Standing Committee on Treaties in relation to the Multilateral Agreement on Investments and believe it would be appropriate for JSCOT to liaise with State and Territory Committees.

Yours sincerely


(Mrs) Vera Raymer