

The Research Director  
Legal Constitutional and Administrative Review Committee  
Parliament House  
George Street  
Brisbane

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LEGAL, CONSTITUTIONAL AND  
ADMINISTRATIVE REVIEW  
COMMITTEE

Submission N014  
Spec 23.1

Dear Ms Newton,

**Submission by STOP MAI Coalition (Qld) to the Legal, Constitutional and Administrative Review Committee, Qld on The Role of the Queensland Parliament in Treaty Making**

The STOP MAI Coalition Committee is pleased to have this opportunity to send a submission to your committee with regard to *The Role of the Queensland Parliament in Treaty Making*. Along with many other people, we have been concerned with the lack of information on treaties which has been available to the community and also on the process and timing by which State and Territory governments are involved.

Under the heading 'The presentation of proposed treaty information to the Queensland Parliament' in your Position Paper No 1, your committee endorses the principle that existing treaty making procedures be enhanced to ensure that information about proposed treaty actions be made available to state and territory parliaments (and parliamentarians). Your proposal would require treaty information, including the DFAT schedule of treaty negotiations, be tabled periodically.

Your Position Paper states that it is important that:

- . information regarding government action (including treaty making) is readily available to all citizens,
- . it is available at a time when meaningful public consultation can occur, namely, prior to binding action
- . public debate be engendered and the making of submissions to JSCOT be facilitated

If it is not already the case, it is to be hoped that these procedures will be adopted and maintained as normal practice, to ensure that members of parliament and the general public are made aware of the contents and the intended and/or possible outcomes and effects of such treaties.

These measures are essential because last year, during the period when the Multilateral Agreement of Investment (MAI) had been tabled in Federal Parliament and was being negotiated by the Federal Government, it became obvious that federal members knew little or nothing of the draft agreement and its possible effects on Australia and the Australian people. State members appeared to be in a similar state of ignorance about this very contentious investment treaty.

Those of us who were alarmed by the prospect of the MAI being foisted on an unsuspecting public (and the majority of parliamentarians) found it very difficult to access information locally; e.g. what questions to ask and who would be able and/or willing to answer them. There was a great deal of concern about loss of democracy and just how the provisions of the MAI would impact on the general community and on all levels of government. . We had to rely for information from overseas sources, mostly the Internet. . Because the vast majority of people do not have access to the Internet, this remains an unsatisfactory method of making information accessible to the wider community. The general public's awareness, approval and involvement would be advantaged by the use of timely press releases etc through the mainstream media, including TV.

Similar unease was evident during the months leading up to the World Trade Organisation's November meeting in Seattle. Although DFAT had called for submissions and had held a series

of public hearings, popular perception was that government policy and decisions had already been put in place.

There is little doubt that setting up a regime of rules of trade has attracted strong support around the world. However, it is apparent that many thousands, millions of people, are not persuaded that the present setup as represented by the WTO is fair, democratic, transparent or balanced enough to deal with the very real disparity in political and economic clout and bargaining power between the industrial and developing countries.

Here in Australia we have seen examples of our pork, lamb, leather and rice exports being unfairly disadvantaged, our salmon industries being put at risk and the principles behind our long-standing quarantine net being challenged. We have firsthand experience of social and environmental damage caused by various industries and instances of governmental inability to ensure the companies involved do undertake proper rehabilitation. If Australia, as a middle ranking, industrialised country can be adversely affected by such events, consider the long term, debilitating effect on small, developing countries which do not have the money or expertise to properly argue their case.

Having decided against establishing a Queensland Parliamentary Committee with specific treaty responsibility or supporting an Inter-Parliamentary Working Group, it is to hoped that the Queensland Government will make use of every appropriate opportunity to consult with the Federal Government and other state and territory governments on treaty matters. What were the consequences of the failure of the Treaties Council (Prime Minister, Premiers and Chief Ministers) to meet annually as intended?

There is a deep and abiding concern in the community with regard to the rapidity of change taking place. In too many areas, people feel they have no control. While treaties might be seen to confer some benefits on signatories, at the same time, they require changes to be made to the status quo. Public confidence and acceptance will be withheld; anger and resentment will grow if decisions are expedited by shortcutting the democratic process and by avoiding the proper and timely involvement of the community.

Your position paper has provided some welcome insights into how treaty matters are dealt with by government. The June seminar's decision to allow certain proposals (from West Australia and seminar support for an Inter-Parliamentary Working Group on Treaties) to stand in the seminar records is commendable. Over time, experience and practice may well see the need for adoption of their proposals in full.

Yours faithfully



Joan Shears, Co-ordinator  
STOP MAI Coalition

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