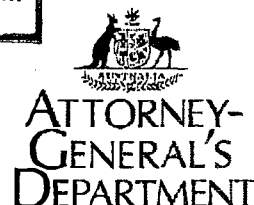


Treaties tabled on
12 March 2002
Submission No. 201



Civil Justice Division

28 May 2002

02/3881

Ms J Bishop MP
Chair
Joint Standing Committee on Treaties
Parliament House
Canberra ACT 2600

Dear Ms Bishop

Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of Children

I refer to the Queensland Government's submission (dated 20 May 2002) to the Treaties Committee inquiry into the above mentioned Convention. This Department received a copy of the submission today.

2 For the information of the Committee, I write to provide some background on consultations between the Commonwealth and State Governments and information on ratification and implementation of the Convention.

Consultation with States and Territories

3 Consultations on the Convention between Commonwealth and State Departments commenced in 1995. An officer of the Queensland Department of Families participated in the Australian delegation to the Hague Conference negotiations which drafted the text of the Convention.

4 In 1998 a working group of Commonwealth and State officials prepared a report on the question of ratification of the Convention and the development of implementing legislation. In 1999 the working group's recommendation in favour of ratification, and drafting instructions for implementing legislation, were approved by the Standing Committee of Attorneys-General (SCAG) and the Community Service Ministers Council (CSMC).

5 In 1999 the expectation was that the Parliamentary Counsels' Committee would prepare model legislation to implement the Convention. Unfortunately this did not occur due to pressure of other work in that Committee.

6 A draft Commonwealth Bill, to implement aspects of the Convention relevant to Commonwealth law, was circulated to State officers for comment in July 2001. This Bill was

subsequently introduced as the Family Law Amendment (Child Protection Convention) Bill (a copy of which was attached to our letter to the Committee of 7 May 2002).

7 A draft Queensland Bill, to implement aspects of the Convention relevant to State law, has been under consideration by the Parliamentary Counsels' Committee since late 2001. We understand that the Committee is yet to finalise the Bill but that it may be ready in time for consideration by the Standing Committee of Attorneys-General (SCAG) and the Community Service Ministers Council (CSMC) in June/July 2002.

Date for Australian ratification

8 No date has yet been set for Australian ratification of the Convention. The European Commission has announced that it expects to ratify the Convention on behalf of member States of the EU in the near future. When that occurs, community demand for Australian ratification may arise, given the significant number of Australian families with links to such States and the benefits conferred by the Convention (eg recognition and enforcement of Australian parental responsibility orders).

9 In accordance with normal practice, all the necessary implementing legislation must be passed before the Convention is ratified. When the State model Bill is finalised, the timetable for passage of implementing legislation will be discussed by Commonwealth and State policy officers and recommendations made to SCAG and CSMC. Recommendations will also be made on the questions of the date for ratification and designation of Commonwealth, State and Territory Central Authorities under the Convention.

Yours sincerely



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Civil Justice Division

TO **Bob Morris** FAX 62774827
Senior Researcher

OF JSCOT

PAGES 3 including this page DATE 30 May 2002

FROM Greg Cameron FAX
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Private International Law
B Branch

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Mr Morris

AGD Response to Queensland submission to the Joint Standing Committee on Treaties inquiry into the Child Protection Convention.

Signed AGD response that was e-mailed to you earlier this afternoon. Please phone me if you have any queries.

Yours sincerely

G. J. Cameron

Greg Cameron

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