

SUBMISSION NO.42
TT 25 & 26 November 2009

To The Secretary

Thank you for the opportunity to provide comments on the proposed treaties tabled on 25 and 26 November 2009. Queensland has the following comments for your consideration:

Convention on the Conservation of Migratory Species of Wild Animals

* The National Interest Analysis (NIA) outlines Queensland's previously expressed opposition to the listing of these species under the EPBC Act.

* This is because, from Queensland's perspective, the Commonwealth has not yet demonstrated that there are sustainability issues associated with the take of any of the shark species in Australian waters (incidental or otherwise), relative to potential increases in costs (for monitoring and stock assessment) and adverse impacts on Queensland's commercial, charter and game fishers.

* In November 2009, Fisheries Queensland reiterated these concerns to the relevant Commonwealth agency, and we advise the Committee to liaise with the agency to consider those issues as part of their deliberations.

Agreement between Australia and the Republic of Lebanon regarding Cooperation on Protecting the Welfare of Children.

* Queensland considers the Agreement to be a positive initiative that complements the principles our Commission for Children and Young People and Child Guardian promote, and considers that initiatives such as the proposed Joint Consultative Commission (refer clauses 12-14 of the NIA) will provide citizens with a clear avenue to resolve the complex issues around child abduction to overseas by parents.

* The NIA also notes (clause 17) that on some occasions assistance from States and Territories may be sought (e.g. in locating and aiding abducted children within their jurisdictions). Given the rarity of such occasions, Queensland considers that the impost of this is likely to be very minimal.

* Queensland would like to raise the following issues with the Committee to aid its deliberations:

* the Agreement could be clearer (e.g. in its objects) that it relates only to custody disputes and/or contact disputes, though its title would seem to imply otherwise;

* the concept 'best interests of children' should be clarified and clearly defined, as it is possible that Australia and the Republic of Lebanon have different understandings of what this would mean given our societies' different cultural, legal, and religious contexts; and

* clarification is required on what it means in practice for Australia to 'respect' the rights of the Republic of Lebanon's religious courts (Article 5.1(c) of the Agreement), particularly as this pertains to the rights of children and women.

Please do not hesitate to contact me should you wish to discuss these comments.

Regards,
Wade

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