



**Queensland
Government**

Premier of Queensland
and Minister for Trade

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29 SEP 2003

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29 SEP 2003

Ms Julie Bishop MP
Committee Chair
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

Julie
Dear Ms Bishop

Thank you for your letter of 10 September 2003 concerning the treaties being reviewed by the Joint Standing Committee on Treaties (JSCOT) that were tabled in Parliament on 9 September 2003.

The Queensland Government supports legally binding action being taken on these treaties. However, I draw your attention to issues relating to the proposed implementation and associated costs for the *Convention on Persistent Organic Pollutants*. A submission in relation to this Convention is attached.

Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

The Convention provides benefits associated with the availability of increased information about hazardous chemicals and will assist in the management of hazardous chemicals during long-range transport. It is expected to assist in reducing chemical-related accidents and resulting contamination of the environment.

The costs associated with implementing the Convention's obligations are not considered to be significant as importers and exporters of hazardous chemicals are already operating under an interim procedure consistent with the Convention. The proposed ratification of this Convention does not change the existing roles and responsibilities between the State and the Commonwealth on the management of hazardous chemicals.

The Queensland Government supports ratification of the *ILO Convention on Occupational Safety and Health*. The objectives of the Convention are consistent with Queensland Government policy and existing legislation is compliant with the Convention's obligations. As implementation of the Convention's obligations will primarily be met through State and Territory legislation, no change to the existing roles and responsibilities between the

Executive Building
100 George Street Brisbane
PO Box 185 Brisbane Albert Street
Queensland 4002 Australia
Telephone +61 7 3224 4500
Facsimile +61 7 3221 3631
Email ThePremier@premiers.qld.gov.au
Website www.thepremier.qld.gov.au

Commonwealth and States and Territories regarding workplace health and safety is envisaged.

The other treaty actions tabled do not raise any issues for the Queensland Government. The objective of the proposed actions in relation to the bilateral agreements on double taxation, Convention for the Regulation of Whaling, and amendment to the Agreement with the European Union on Trade in Wine are supported in view of their potential to increase foreign investment in Queensland industries and support the tourism and agricultural industries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P Beattie', written in a cursive style.

**PETER BEATTIE MP
PREMIER AND MINISTER FOR TRADE**

**SUBMISSION TO JOINT STANDING COMMITTEE ON TREATIES
BY
QUEENSLAND GOVERNMENT
ON
Convention on Persistent Organic Pollutants**

The objective of the Convention, to protect human health and the environment from the effects of persistent organic pollutants, is consistent with Queensland Government policies and priorities. Benefits anticipated from ratification of the Convention include reduction in long term risks of contamination of air, water, soil and food by POPs and early identification systems for new chemicals with POPs characteristics will help prevent future environmental contamination. It will also support the marketing of Queensland's agricultural and food export industries through an ability to present them as 'green and clean'.

The domestic implementation of the obligations relating to unintentionally produced POPs raise some concerns relating to the adequacy of existing regulatory measures and cost impacts for Queensland. The national interest analysis (paragraph 8) states that ratification of the treaty would be consistent with existing state systems. The regulatory impact statement (section 3.2.2) states that by-product obligations are already being met as part of licensing conditions imposed by State and Territory governments. These statements do not accurately reflect Queensland's situation. Currently there are no specific provisions under the *Environmental Protection Act 1994* articulating Queensland Government policy on by-product POPs by the application of environmental quality, emission standards or prescribed technology for new or existing industry. The management of new developments with the potential to emit POPs is carried out on a case by case basis.

The extent of regulatory activity at a State level, required to ensure consistency with the Convention's obligations, will only be evident once the outcome of the national action plan on by-product POPs (required under Article 5 of the Convention) is known. The legislative implications of the obligation to use 'best available techniques' and 'best environmental practices' in relation to the management of by-product POPs is unknown. New regulatory instruments and guidance may need to be developed to promote the acceptable standards for new and existing development across a range of industries in Queensland.

The Commonwealth proposes to rely on the National Dioxins Program (NDP) to meet its obligations in relation to risk assessment and emission reduction strategies for by-product POPs. The NDP, established in 2001 with participation from States and Territories, does not address the unintentional production and release of certain POPs covered by the Convention. The regulatory impact statement suggests that these gaps would be considered in the development of the national action plan (section 3.2.2). Due to the high cost and difficulty in measuring and testing low concentrations of POPs emissions, it is appropriate that the Commonwealth indicate in more detail how these gaps will be addressed.

The regulatory impact statement refers to costs to the Commonwealth for the development of the national action plan and national implementation plan required under the Convention and confirms that the costs to States and territories are unknown. Costs can be anticipated for States in relation to the development of the national action plan, risk assessment activity and potentially expensive dioxin emission measurement as well as any new regulatory measures. Additional costs to industry can also be expected in complying with new standards or regulatory measures. While new industries or developments may be better placed to factor in additional costs of minimising POPs emissions, this would not apply to many existing industry sources of POPs. Any proposals for additional regulatory measures arising from the national action plan would need to undergo a regulatory impact assessment at the State level.

The Commonwealth indicates that it will consult States and Territories in the development of the national action plan (paragraph 33 national interest analysis). However, in view of the extent of the reliance on State and Territory legislation to implement the obligations relating to unintentionally produced POPs and the potential cost to States arising from the national action plan, States and Territories need to be integral partners in the process of developing the plan. As the Convention obligations cross a range of portfolio responsibilities, it is suggested that a high level negotiating forum is established to develop the national action plan.

The Queensland Government strongly supports the Commonwealth's proposal to lodge a declaration to ensure entry into force for Australia of any amendment to annexes to the Convention (addition of new chemicals) is dependant upon Australia depositing an instrument of acceptance of the amendment. This will ensure the domestic treaty making process applies whenever a new chemical is proposed to be included in the scope of the Convention and allow for a full assessment of its impact.