

Supplementary Sub
3.1 rel. SUB 3.**Queensland
Government**Premier of Queensland

Please quote: 19001/DM11/Policy Systems

19 FEB 2003

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


Dear Ms Bishop

Thank you for your letter of 3 December 2002 concerning three treaties under review by the Joint Standing Committee on Treaties (JSCOT). While the Queensland Government supports binding action on these treaties, some treaty implementation issues raise concerns.

In regard to the *Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management*, the Queensland Government advised the Hon Peter McGuaran MP, Minister for Science, in November 2002 that Queensland's *Radiation Safety Act 1999*, provided the necessary regulatory and safety infrastructure to ensure Queensland's compliance with the Convention's obligations. However, Article 32 of the Convention, which obliges parties to report every three years on details of their spent fuel management facilities and inventory of radioactive waste stored, raises a security concern for the Queensland Government.

There are few radioactive waste management facilities in Australia currently and their details are not widely publicised. Security implications arise when specific details about Queensland's Radioactive Waste Store are reported at an international level. While the confidentiality provisions of Article 36 of the Convention provides some protection for the information provided in national reports, the operational extent of this protection is unclear. For example, paragraph 4 of Article 36 provides for the "content of debates during the reviewing of the national reports at each review meeting [of the International Atomic Energy Agency (IAEA)] to remain confidential," but does not appear to provide for confidentiality of the reports per se.

Since the text of the Convention was agreed prior to 11 September 2001, expectations for the national reports should be interpreted in today's context. Prior to ratification Australia needs

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to satisfy itself that the security of the information provided through national reports is maintained by the receiving agency. The spirit of the Convention and the IAEA's need for accountability for, and good management of, radioactive waste management could be met through the provision of summary information that does not reveal site-identifiable details.

The Queensland Government is also concerned that consultation by the Commonwealth on the Convention has been somewhat disjointed and repetitive with two agencies appearing to have a lead role – Department of Education, Science and Training and the Australian Radiation Protection and Nuclear Safety Agency. Both agencies have focussed consultation efforts on ensuring State legislation is compliant with the Convention. Little attention has been given to addressing security concerns on the reporting requirements.

The Queensland Government supports ratification of the *International Treaty on Plant Genetic Resources for Food and Agriculture*. This treaty provides for security of access to germplasm for agricultural and plant breeding industries, which is essential for a number of Queensland's research efforts. None of Australia's commercial agricultural crops are native (except macadamia nuts) so all plant breeding programs (wheat, barley, sorghum, cotton, sugar cane etc) are reliant on continued access to international germplasm to improve local varieties.

As none of the listed crops originates in Australia it is unlikely Australia will be approached to provide significant amounts of germplasm to other countries. However, the treaty provides scope for listing additional crop species which may impact on Australian resources in the future. Should germplasm leave Australia, this movement will be subject to a material transfer agreement (MTA) to ensure there are benefits to Australia if the material is used to develop a commercial crop.

There are a number of operational matters under the treaty that will be determined by its governing body once the treaty enters into force. Significant matters include – the contents of the MTA which provides for the conditions under which germplasm can be moved from one country to another; parties' responsibilities under the benefit sharing regime; and the extent and nature of capacity building requirements. These matters may have a direct impact on State Governments who hold the most significant plant genetic stocks in Australia and therefore will be the contractual parties to the MTAs.

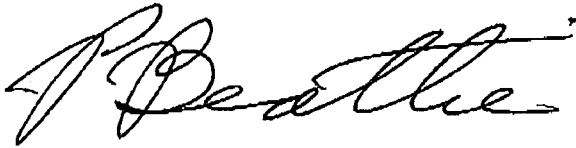
While no legislative action is required of State Governments to ensure compliance with the treaty's obligations, the administrative costs associated with compliance with the MTA requirements and enforcement of the contracts will be borne by State Governments predominantly. The Queensland Government, therefore, has a keen interest in the outcome of negotiations by the treaty's governing body on the operation of MTAs. The Queensland Government seeks the continuation of formal collaborative arrangements with the Commonwealth to ensure State Governments' concerns are addressed as these matters are negotiated at future meetings of the treaty's governing body. Early ratification of the treaty

will ensure Australia becomes a member of the governing body and enable Australia to assert greater influence on its decisions.

The proposed action in relation to the amendment to the Schedule to the *International Convention for the Regulation of Whaling* is supported by the Queensland Government. This treaty action will not have a direct effect on Queensland as the catch limits apply to whale populations that do not occur in Australian waters. However the necessity for a renewal of the quota for aboriginal subsistence whaling in the Bering-Chukchi-Beaufort Sea in the Northern Hemisphere is recognised as meeting demonstrated traditional, cultural and dietary needs for indigenous peoples of the region.

Thank you for providing the Queensland Government with an opportunity to comment on these treaties.

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**