



**Queensland
Government**

Premier of Queensland
and Minister for Trade

Please quote: /DM11/Policy Systems

- 1 SEP 2003

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

TT in August 2003
Submission No:31

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BY: *Gillian Gould*

Dear Ms Bishop

Thank you for your letter of 13 August 2003 concerning the treaties being reviewed by the Joint Standing Committee on Treaties (JSCOT) that were tabled in Parliament on 12 August 2003.

The bilateral agreement with the Kingdom of Belgium on working holiday arrangements is supported. Queensland has a thriving 'backpacker' component of its tourism industry. Bilateral agreements that facilitate and streamline arrangements for young people to undertake working holidays in Australia assists the development of this industry. As noted in annex 1 of the national interest analysis, the Queensland Government raised concerns about the operational arrangements of the Agreement being listed separately to the Agreement through an 'Exchange of Letters' between the parties and whether this might affect their legally binding status. The Letters contain important obligations in relation to employment, study and training limitations for persons covered by the Agreement. These limitations affect the application of industrial relations legislation for persons employed under the Agreement. Consequently our preference was to incorporate these obligations into the text of the Agreement to remove any doubt as to their legal status.

During consultation with the Commonwealth on this Agreement the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) advised that the 'Letters' technically formed part of the Agreement and, as such, would have the same legally binding effect. In contrast, the national interest analysis for this Agreement states that "these letters are auxiliary to the Agreement and are not a treaty" (paragraph 25). It is recommended that the Commonwealth clarify the legally binding status of the obligations listed in the Exchange of Letters to ensure effective implementation of this Agreement.

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I am pleased to note that DIMIA has now amended its template document for all future 'holiday maker' negotiations to ensure procedural matters form part of the legally binding instrument, as stated in annex 1 of the national interest analysis.

The other bilateral agreement with Belgium regarding employment of dependants of diplomatic staff and the multilateral Protocol concerning the Bougainville Transition Team do not impact on the Queensland Government.

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

Yours sincerely



PETER BEATTIE MP
PREMIER AND MINISTER FOR TRADE