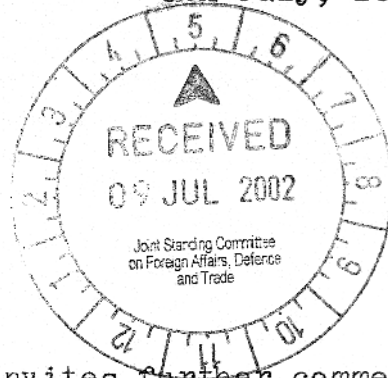


Submission No 9

4b Ulex Place
WOODVALE WA 6026

6th July, 2002

Committee Secretary,
Joint Standing Committee on
Foreign Affairs, Defence
and Trade
CANBERRA



Sir,

UNITED NATIONS

Your letter of 13th June invites further comment on Australia's involvement with the United Nations.

It is deplorable the way the Australian Government is committing Australian servicemen and women to U.N. Peacekeeping forces and the way the U.N. is interfering in the Middle East and Afghanistan, making permanent enemies for Australia in the Muslim world.

I note the arbitrary way Mr. Howard has decided to ratify the International Criminal Court, despite opposition from many of his colleagues in Parliament. He says special conditions will be placed on this ratification but we know full well from past experience that any reservations will, over time, be whittled away, especially if there is a change to a Labor Government which will give blind subjugation to the U.N.

Enclosed is an article by former Prime Minister, Malcolm Fraser which should go on record.

Yours etc.

Brenda Macintyre
(BRENDA MACINTYRE) (M.A.)

Enc.

AUSTRALIAN WED. 17.8.94

UN poses biggest threat to our sovereignty

IN Australia, debate on constitutional reform has focused almost entirely on whether we should or should not become a republic. There are other aspects of our constitutional affairs that will have a greater impact on the way Australians are governed. Changes are taking place without the knowledge, and certainly without the consent, of Australians.

In 1986 the Australia Act severed appeals to the Privy Council. That made the Australian High Court the final court of appeal for Australia.

In arguing against appeals to the Privy Council, Gough Whitlam said it was "entirely anomalous and archaic for Australian citizens to litigate their differences in another country before judges appointed by the government of that other country".

I happen to agree with that Whitlam comment. There is a great contradiction, however, in the Labor Party's attitude to international institutions.

The Labor Party has been desperate to end every element of our links with the United Kingdom, including the monarchy, on the grounds that Australians must be masters of their own affairs. At the same time, the Labor Party has embraced treaties and conventions established by organs of the United Nations that have changed the balance of the Australian Constitution in marked ways.



MALCOLM FRASER

As a consequence, Canberra's power has been greatly increased. This has occurred even though in earlier periods constitutional referendums seeking such powers directly had been rejected.

The Labor Party gives more weight to a UN Educational, Scientific and Cultural Organisation committee than it does to the opinions of Australians.

This situation has arisen because of the foreign affairs power in our Constitution that gives the Commonwealth power to overturn the actions of a State that may prejudice our relations with another country or State.

This power was placed in the Constitution by our founding fathers to make sure that the new Federation of Australia would have the complete capacity to conduct one concerted foreign policy.

The present Labor Government is improperly using this power to overturn our Constitution.

On six occasions Labor govern-

ments have tried to acquire wide powers over employment, industrial relations and wage fixing through referendums. On all six occasions the Australian public have refused that additional power for Canberra.

The Hawke-Keating government has used International Labour Organisation conventions, relying on the High Court's interpretation of the foreign affairs power, to take additional powers for the Commonwealth arbitrarily and without any consideration by the Australian people.

In one case, in December 1992, the governor-general was asked to ratify a treaty only hours before the dissolution of Parliament. No media release was issued. This particular convention, ILO 158, has been ratified by only 17 countries. Of major industrial States, only France and Sweden have ratified this convention. It has also been ratified by the Camerouns, Cyprus, Gabon, Malawi, Niger, Uganda, Venezuela, the Yemen Republic, Yugoslavia, Zaire and Zambia.

The first major use of the foreign affairs power was over the Tasmanian dams case in 1983. The appropriate UNESCO committee granted a World Heritage listing for that part of south-western Tasmania, even though it knew it was the intention of the Tasmanian government to build a dam.

There is no way that the building of the dam could have damaged our relations with another country or State and yet it was on that

basis that the High Court ruled, by a 4-3 majority, against the building of the dam.

Conservationists applauded that decision, but that is not really the point. The point is, are Australians to be masters of their own affairs or are Australians to give away their sovereignty to United Nations committees? The point becomes all the more relevant when you look at the membership of these committees. The membership is appointed by governments that often ignore the decisions of the committee and yet Australia binds itself and feels required to obey.

'Power given away' to committees

The basic law of Australia is also being undermined by accession to UN conventions affecting human rights.

Human rights are as well safeguarded in Australia as in any country I could name. Such rights are obviously much better protected here than in most countries. Yet we give UN committees concerned with human rights the capacity to review and to take action that can lead to the overturning of Australian law.

The Government is doing all this, of course, without telling the Australian people, without having asked their permission. It is not

the Government's sovereignty that is being given away, it is the sovereignty that belongs to all Australians acting together.

If our Constitution is to be altered, it must be by decision of the Australian people, voting in a referendum, but that is not the way the Government sees it.

If the Government wants more power, if it wants to override a State, it looks around for the appropriate UN convention. Because the executive government has sole power to accede to treaties and conventions, the Government can then take whatever action it wants. Such decisions do not have to be approved by Parliament. They do not have to be part of election policies, and they have not been.

It is time more public notice was taken of this erosion of Australian sovereignty. The great irony for the Labor Party is that it is in the name of Australian sovereignty that they raise the republican issue.

Former Senator Peter Walsh had a caustic comment on this issue. Only last month he wrote: "I am not and never have been a monarchist, but find it ironic that so many contemporary Australians, determined to protect us from the non-existent threat of English tyranny, fall over each other in a scramble to surrender Australian sovereignty to a rag-tag and bob-tail of unrepresentative United Nations committees, accountable to nobody."

Emphasis is added
She