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Department of the Premier and Cabinet
Government of Western Australia

Submission No: 9

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BY: _____

Ms Gillian Gould
Committee Secretary
Joint Standing Committee on Treaties
Parliament House
CANBERRA ACT 2600

Dear Ms Gould

TREATIES TABLED ON 8 OCTOBER 2003 - INTERNATIONAL LABOUR ORGANISATION CONVENTION NO. 182

Thank you for your letter dated 24 October 2003 concerning treaties tabled in the Commonwealth Parliament on 8 October 2003.

I refer to the International Labour Organisation (ILO) Convention No. 182: Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour. The National Interest Analysis, which accompanied the tabled treaty action, noted that some States and Territories legislation did not comply with the terms of the Convention and that amendments would have to be made to enable ratification of the Convention to proceed. This point was confirmed during a hearing of the Joint Standing Committee on Treaties on 13 October 2003. Commonwealth officers were asked about the delay in Australia ratifying the Convention and it was suggested that delays had arisen from States and Territories having to amend various pieces of legislation. It was suggested at that hearing that only New South Wales and Queensland had legislation that was compliant with the terms of the Convention.

The Commonwealth had previously informed Western Australia that its State legislation was not compliant, in that it did not provide as broad protection of children as required under the Convention. Approval to make the necessary changes to WA legislation to address the non-compliance issues raised by the Commonwealth was to be put before the Western Australian Cabinet in mid-November. In the last few days, however, WA has received informal advice from the Commonwealth that it has reassessed Western Australia's legislation and that it is compliant with the terms of the Convention.

Western Australia has continually supported the ratification of ILO Convention No. 182 and would support a recommendation that ratification should proceed.

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It is also worth noting that Australia not yet ratifying the two Optional Protocols to the Convention on the Rights of the Child and ILO Convention No. 182 has been a source of adverse comment at meetings of the Working Group on the Draft Declaration on the Rights of Indigenous People. The failure to ratify has required Australia to insist on a qualification to some of the Articles of the draft Declaration to take account of that fact. (Western Australia is one of two State and Territory members of the Working Group on the Draft Declaration.)

Thank you for the opportunity to make a contribution to the Committee's inquiry.

Yours sincerely



Petrice Judge
DIRECTOR
OFFICE OF FEDERAL AFFAIRS

/7 November 2003