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Mr David Sullivan  
Committee Secretary  
Senate Foreign Affairs, Defence and Trade References Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600

Dear Mr Sullivan

**Inquiry into the Commonwealth's treaty-making process**

I am grateful to the Committee for inviting me to make a submission in relation to the above Inquiry.

The only submission I wish to make is to draw attention to the dissenting view I expressed as a member of the *Advisory Committee to the Constitutional Commission on the Distribution of Powers* when I recommended the adoption on a trial statutory basis a proposal to require parliamentary approval for Australia's entry into international treaties: *Report (1987)* published as *Appendix J* at pp 233 – 236. It was shared by a member of the *Constitutional Commission*, the late Professor Leslie Zines, even though he too was in dissent on the issue: *Constitutional Commission Final Report (1988)* vol 2 at pp 745 – 6 paras 10,525.

The view we adopted relates to paras (a) and (b) of the Terms of References for the above Inquiry.

I still adhere to that view and am not aware of any developments that would lead me to change my mind on the issue.

I should indicate that I have no objection to this submission being made public.

Finally, if it is necessary to get in touch with me by phone please ring

Thank you

Yours faithfully

Geoffrey Lindell

Adjunct Professor of Law, the University of Adelaide  
Professorial Fellow in Law, the University of Melbourne