



Quiz

Treaty Interpretation: Rules and Methods

1. Which of the following is *not* a precondition for the application of the Vienna Convention on the Law of Treaties?
 - a. The document must be between States
 - b. The document must be between international organisations
 - c. The treaty must have entered into force after 27 January 1980
 - d. The document must be a treaty and not another instrument

2. What is the position of the Vienna Convention on the Law of Treaties under Australian law?
 - a. The treaty has been ratified and therefore automatically forms part of Australian law
 - b. The treaty has been enacted in legislative form by the Commonwealth government
 - c. The treaty has been enacted in legislative form by several state governments
 - d. The treaty is applicable on the basis that it forms part of customary international law

3. Which of the following is a true statement regarding the creation of treaties?
- a. The ratification of treaties by the executive automatically renders the treaty effective under Australian law
 - b. Ratification of a treaty is considered to be an executive act which has no direct legal effect upon Australian law
 - c. A head of State will not automatically be recognised as representing their State for the purpose of adopting a treaty
 - d. The Australian states have power to conclude treaties under the *Constitution*
4. What is the rule of interpretation where a treaty is drafted in more than one language?
- a. The treaty will always specify which version is the authoritative version
 - b. Treaties should be drafted so that there is no inconsistency between versions in different languages. If inconsistency arises, the provision will be void
 - c. In the event of a difference in meaning, the meaning that best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted
 - d. In the case of inconsistency between the different texts, the intentions of the parties, as evidenced by records of negotiations, will be determinative
5. In what circumstances can Australian courts have regard to the provisions of a treaty when interpreting Australian legislation?
- a. If the meaning of a legislative provision is ambiguous, Australian courts and tribunals can have regard to similar provisions in international instruments
 - b. Commonwealth and State legislation is to be interpreted and applied, as far as its language permits, so that it is in conformity and not in conflict with established rules of international law
 - c. If the legislative language follows quite closely the language of a treaty, then it can be inferred that the terms of the legislation are to be interpreted in the same way as the terms of the treaty

d. All of the above

Answers:

1. b 2. d 3. b 4. c 5. d