The Parliament of the Commonwealth of Australia

## Report 124

### Treaties tabled on 22 November 2011 and 7 February 2012

Amendments to MARPOL Annex VI on Regulations for the Prevention of Air Pollution from Ships by Inclusion of New Regulations on Energy Efficiency for Ships Resolution MEPC.203(62) adopted at London on 15 July 2011

Agreement between the European Union and Australia on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the Australian Customs and Border Protection Service done at Brussels on 29 September 2011

Protocol amending the Agreement between the Government of Australia and the Government of the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (New Delhi, 16 December 2010)

Amendment to Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade done at Rotterdam on 10 September 1998

#### © Commonwealth of Australia 2012

ISBN 978-0-642-79668-4 (Printed version)

ISBN 978-0-642-79669-1 (HTML version)

This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivs 3.0 Australia License.



The details of this licence are available on the Creative Commons website: <a href="http://creativecommons.org/licenses/by-nc-nd/3.0/au/">http://creativecommons.org/licenses/by-nc-nd/3.0/au/</a>.

# Contents

Me	embership of the Committee	V		
Re	solution of Appointment	vii		
Lis	t of recommendations	viii		
1	Introduction			
	Purpose of the report	1		
	Conduct of the Committee's review	2		
2	Amendments to MARPOL Annex VI on Regulations for the Prevention of Air Pollution from Ships by Inclusion of New Regulations on Energy Efficiency for Ships Resolution MEPC.203(62) adopted at London on 15 July 2011			
	Introduction	5		
	Background	5		
	Implementation	9		
	Costs	10		
	Conclusion	11		
3	Agreement between the European Union and Australia on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the Australian Customs and Border Protection Service done at Brussels on 29 September 2011			
	Introduction	13		
	Background	14		

	Reasons for Australia to take the proposed treaty action	15			
	Obligations	17			
	Implementation	18			
	Costs	19			
	Conclusion	19			
4	Protocol amending the Agreement between the Government of Australia and the Government of the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (New Delhi, 16 December 2010)				
	Introduction	21			
	Overview and national interest summary	22			
	Reasons for Australia to take proposed treaty action	23			
	Obligations	23			
	Implementation	25			
	Costs	25			
	Conclusion	26			
5	Minor treaty action: Amendment to Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.				
	Introduction	27			
	Minor treaty action	27			
Ap	ppendix A – Submissions	29			
Ap	ppendix B – Witnesses	31			

### **Membership of the Committee**

Chair Mr Kelvin Thomson MP

Deputy Chair Senator Simon Birmingham

Members Ms Sharon Bird MP

(until 14/3/12)

Mr Jamie Briggs MP Senator Scott Ludlam

Mr Laurie Ferguson

(from 14/3/12)

Mr John Forrest MP Senator Matthew Thistlethwaite

Senator David Fawcett

Senator the Hon Lisa Singh

Ms Sharon Grierson MP Senator Anne Urquhart

Mr Harry Jenkins MP

(from 7/2/12)

Ms Kirsten Livermore MP

Ms Melissa Parke MP

Ms Michelle Rowland MP

(until 7/2/12)

The Hon Dr Sharman Stone MP

### **Committee Secretariat**

Secretary James Catchpole

(until 23/3/12)

David Monk (from 26/3/12)

Inquiry Secretary Kevin Bodel

Senior Researcher Dr Andrew Gaczol

Administrative Officers Heidi Luschtinetz

Michaela Whyte

## **Resolution of Appointment**

The Resolution of Appointment of the Joint Standing Committee on Treaties allows it to inquire into and report on:

- a) matters arising from treaties and related National Interest Analyses and proposed treaty actions and related Explanatory Statements presented or deemed to be presented to the Parliament;
- b) any question relating to a treaty or other international instrument, whether or not negotiated to completion, referred to the committee by:
  - (i) either House of the Parliament, or
  - (ii) a Minister; and
- c) such other matters as may be referred to the committee by the Minister for Foreign Affairs and on such conditions as the Minister may prescribe.

## List of recommendations

2 Amendments to MARPOL Annex VI on Regulations for the Prevention of Air Pollution from Ships by Inclusion of New Regulations on Energy Efficiency for Ships Resolution MEPC.203(62) adopted at London on 15 July 2011

#### Recommendation 1

The Committee supports the *Amendments to MARPOL Annex VI on* Regulations for the Prevention of Air Pollution from Ships by Inclusion of New Regulations on Energy Efficiency for Ships Resolution MEPC.203(62) adopted at London on 15 July 2011 and recommends that binding treaty action be taken.

Agreement between the European Union and Australia on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the Australian Customs and Border Protection Service done at Brussels on 29 September 2011

#### Recommendation 2

The Committee supports the *Agreement between the European Union and Australia on the Processing and Transfer of Passenger Name Record (PNR) Data by Air Carriers to the Australian Customs and Border Protection Service done at Brussels on 29 September 2011* and recommends that binding treaty action be taken.

4 Protocol amending the Agreement between the Government of Australia and the Government of the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (New Delhi, 16 December 2010)

#### **Recommendation 3**

The Committee supports the *Protocol amending the Agreement between the Government of Australia and the Government of the Republic of India for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (New Delhi, 16 December 2010)* and recommends that binding treaty action be taken.