

Introduction

Purpose of the report

- 1.1 This report contains the Joint Standing Committee on Treaties' review of the following treaty actions:
- *Agreement on Strengthening Implementation of the Niue Treaty on Cooperation in Fisheries Surveillance and Law Enforcement in the South Pacific Region* (Honiara, 2 November 2012);
 - *International Code for Ships Operating in Polar Waters (Polar Code) Resolution MSC.385(94)* (London, 21 November 2014);
 - *Amendments to the International Convention for the Safety of Life At Sea, 1974, as amended Resolution MSC.386(94)* (London, 21 November 2014)
 - *International Code for Ships Operating in Polar Waters (Polar Code) Resolution MEPC.264(68)* (London, 15 May 2015);
 - *Amendments to the Annex of the Protocol of 1978 relating to the International Convention for the Prevention of Pollution from Ships, 1973: Amendments to MARPOL Annexes I, II, IV and V Resolution MEPC.265(68)* (London, 15 May 2015);
 - *International Code of Safety for Ships Using Gases or other Low-flashpoint Fuels (IGF Code) Resolution MSC.391(95)* (London, 11 June 2015);
 - *Amendments to the International Convention for the Safety of Life at Sea, 1974, as amended Resolution MSC.392(95)* (London, 11 June 2015);
 - *Amendments to the Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974 Resolution MSC.394(95)* (London, 11 June 2015);

- *Amendments to the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea, 1974 Resolution MSC.395(95) (London, 11 June 2015);*
 - *Amendments to the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978, as amended Resolution MSC.396(95), (London, 11 June 2015);*
 - *Amendments to Part A of the Seafarers' Training, Certification and Watchkeeping (STCW) Code Resolution MSC.397(95) (London, 11 June 2015); and*
 - *Agreement between Australia and the Federal Republic of Germany for the Elimination of Double Taxation with Respect to Taxes on Income and on Capital and the Prevention of Fiscal Evasion and Avoidance, and Protocol (Berlin, 12 November 2015).*
- 1.2 In addition, the Report contains the Committee's views on one 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 (the Rotterdam Convention).*
- 1.3 The Committee's resolution of appointment empowers it to inquire into any treaty to which Australia has become a signatory, on the treaty being tabled in Parliament.
- 1.4 The treaties, and matters arising from them, are evaluated to ensure that ratification is in the national interest, and that unintended or negative effects on Australians will not arise.
- 1.5 Prior to tabling, major treaty actions are subject to a *National Interest Analysis (NIA)*, prepared by Government. This document considers arguments for and against the treaty, outlines the treaty obligations and any regulatory or financial implications, and reports the results of consultations undertaken with State and Territory Governments, Federal and State and Territory agencies, and with industry or non-government organisations.
- 1.6 A *Regulation Impact Statement (RIS)* may accompany the NIA. The RIS provides an account of the regulatory impact of the treaty action where adoption of the treaty will involve a change in the regulatory environment for Australian business. The treaties examined in this report did not require a RIS.
- 1.7 The Committee takes account of these documents in its examination of the treaty texts, in addition to other evidence taken during the inquiry program.

- 1.8 Copies of the treaties considered in this report and associated documentation may be obtained from the Committee Secretariat or accessed through the Committee's website at:
- http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Treaties/1_December_2015/Treaties_being_considered
 - http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Treaties/3_December_2015/Treaty_being_considered
 - http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Treaties/2_February_2016/Treaties_being_considered

Conduct of the Committee's review

- 1.9 The treaty actions reviewed in this report were advertised on the Committee's website from the date of tabling. Submissions for the treaties were requested by 18 December 2015 and 2 February 2016 respectively.
- 1.10 Invitations were made to all State Premiers, Territory Chief Ministers and Presiding Officers of each Parliament to lodge submissions. The Committee also invited submissions from individuals and organisations with an interest in the treaties reviewed.
- 1.11 The Committee held a public hearing into the treaties in Canberra on 29 February 2016.
- 1.12 The transcripts of evidence from the public hearing may be obtained from the Committee Secretariat or accessed through the Committee's website under the treaties tabling dates: 1 December 2015, 3 December 2015 and 2 February 2016.
- 1.13 A list of witnesses who appeared at the public hearing is at Appendix A.
- 1.14 A list of submissions is at Appendix B.

