



## Joint Standing Committee on Treaties

### Statement on International instrument on pandemic prevention, preparedness and response and amendments to the International Health Regulations (2005)

Members of the Joint Standing Committee on Treaties (JSCOT) provide the following statement to clarify the Committee's role in considering decisions made by the Australian Government with respect to entering or amending international agreements, noting the interest of the community in possible amendments to the World Health Organization's (WHO) International Health Regulations 2005.

When the Australian Government decides to enter into or amend an international agreement, which is referred to as taking a treaty action, that decision is referred to the JSCOT for consideration.

Major treaty actions are subject to an inquiry by the JSCOT that involves the opportunity for public submissions and public hearings, which form the basis of the JSCOT's inquiry report, containing a summary of the treaty action, its impact or significance, the range of evidence and views presented to the Committee, and any observations and recommendations the Committee decides to make.

Minor treaty actions, which could include the listing of a new species in the relevant schedule of an international agreement that seeks to protect threatened species (for example, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, or CITES) will generally not be the subject of a full inquiry, but are noted and considered by the JSCOT through its meeting and reporting processes.

If the Australian Government agrees to any treaty action that requires legislation to give effect to the treaty, then of course that legislation will be subject to Parliamentary process. For example, a trade agreement might require amendments to the *Customs Tariff Act*.

With respect to the WHO's International Health Regulations, it is important to be clear that the JSCOT has no role in the ordinary and regular process by which member nations consider amendments that might be made from time to time. If that process results in proposed amendments to which the Australian Government is prepared to agree, such treaty action would be referred to the JSCOT for its consideration.

In relation to community interest, we note the following:

- Australia is an original member state of the World Health Organisation (WHO), a United Nations agency that has coordinated global efforts to achieve better health for all since 1948.
- Australia participates in the negotiation process with respect to any changes to the WHO's International Health Regulations through the Department of Health and Aged Care and Department of Foreign Affairs and Trade.
- The current process will be resolved at the 77<sup>th</sup> World Health Assembly in mid-2024.

For those interested in Australia's participation in the World Health Organisation's current deliberations, we recommend the Department of Health and Ageing's webpage titled ['Strengthening global health and international pandemic response'](#).

At that webpage, members of the community will note in the section titled 'Australian sovereignty and global health reforms', the following statement: "Global health reforms do not affect Australia's sovereign right to decide its domestic health policies"; and, in the section titled 'Australia's Goals and Priorities', the following principle: "Maintain Australia's sovereignty to make and implement decisions to protect the health of Australians."

To conclude, we want to be clear that the JSCOT is a Parliamentary Committee that examines treaty action decisions made by the Australian Government, and for major treaty actions does so through an inquiry process that provides an opportunity for public input and engagement. The JSCOT does not participate in the negotiations or decisions that are the responsibility of Ministers and their Departments working through Australia's system of cabinet government.