The Parliament of the Commonwealth of Australia

## Report 115

Treaties tabled on 28 October and 24 November 2010

Treaties referred on 16 November 2010 (Part 2)

An Exchange of Notes amending the Agreement between the Government of Australia and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam relating to Air Services

Agreement between Australia and the Kingdom of Spain relating to Air Services

Agreement between the Government of Australia and the Swiss Federal Council relating to Air Services

Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services

Agreement between Australia and the European Union on the Security of Classified Information

Universal Postal Union: Eighth Additional Protocol to the Constitution of 10 July 1964, as Amended; Convention and Final Protocol; First Additional Protocol to the General Regulations; Postal Payment Services Agreement

World Wine Trade Group Agreement on Requirements for Wine Labelling

Second Protocol to the Agreement between Australia and the Republic of Austria on Social Security

Convention between the Government of Australia and the Government of the Republic of Turkey for the Avoidance of Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion

Agreement between the Government of Australia and the Government of Japan concerning Reciprocal Provision of Supplies and Services between the Australian Defence Force and the Self-Defense Forces of Japan

Air Services Agreement between the Government of Australia and the Government of the Federative Republic of Brazil

Agreement between the Government of Australia and the Government of the United Mexican States relating to Air Services

Air Services Agreement between the Government of Australia and the Government of the Republic of Turkey

The Agreement Establishing the Advisory Centre on WTO Law

Amendments to the Convention on the International Mobile Satellite Organization adopted at the Twentieth Session of the Assembly

Convention on Limitation of Liability for Maritime Claims

March 2011 Canberra © Commonwealth of Australia 2011 ISBN 978-0-642-79432-1 (Printed version) ISBN 978-0-642-79433-8 (HTML version)

# Contents

Mer	nbership of the Committeevi	ii
Res	plution of Appointmentiz	X
List	of abbreviations	X
List	List of recommendations	
1	Introduction	
	Purpose of the report	1
	Conduct of the Committee's review	3
2	Agreement between the Government of Australia and the Government of Japan concerning Reciprocal Provision of Supplies and Services between the Australian Defense Force and the Self Defense Forces of Japan	
	the Australian Defence Force and the Self-Defense Forces of Japan	
	Introduction	5
	·	
	Introduction	6
	Introduction	6 8
3	Introduction	6 8
3	Introduction	6 8 8
3	Introduction	6 8 8 9
3	Introduction	6 8 8 9

Switzerland	12
Memoranda of Understanding	13
Consultation and implementation	13
Conclusion	14

# 4 Agreement with the European Union on the Security of Classified Information

Introduction	15
Obligations	16
Implementation	17
Conclusion	

#### 5 Universal Postal Union

Introduction	19
Reasons to take treaty action	20
The UPU agreements	21
Constitution	21
General Regulations	21
Convention	22
Postal Payment Services Agreement	23
Implementation and costs	24
Conclusion	25

#### 6 Second Protocol to the Social Security Agreement with Austria

Introduction	27
The amendments	
Implementation	
Conclusion	

#### 7 Double Taxation Agreement with Turkey

Introduction	
Reasons to take treaty action	
Obligations	
Implementation and costs	

	Conclusion	35
8	World Wine Trade Group Agreement on Requirements for Wine Labellin	J
	Introduction	37
	Obligations	38
	Reasons to support the treaty	39
	Implementation	40
	Concerns about harmonisation	41
	Consumer issues	42
	Conclusion	44
9	Amendments to the Convention on the International Mobile Satellite Organization	
	Introduction	47
	Background to the 2008 amendments	48
	Reasons to take treaty action	48
	Implementation	50
	Conclusion	50
10	Convention on Limitation of Liability for Maritime Claims	
	Introduction	51
	1976 Convention and 1996 Protocol	52
	Reasons to take treaty action	53
	Implementation	53
	Conclusion	54
11	Agreement establishing the Advisory Centre on WTO Law	
	Introduction	55
	Reasons to take treaty action	56
	ACWL services and funding	56
	Implementation and costs	58
	Conclusion	59

v

12 Air se	rvices a	greements	with	Brazil,	Mexico	and	Turkey
-----------	----------	-----------	------	---------	--------	-----	--------

	61
The agreements	62
Brazil	62
Mexico	63
Turkey	64
Implementation	64
Conclusion	65
Appendix A — Submissions	67
Appendix A — Submissions	
	69
Appendix B — Witnesses	69 73

### **Membership of the Committee**

#### 43rd Parliament

- Chair Mr Kelvin Thomson MP
- Deputy Chair Senator Julian McGauran
- Members Ms Sharon Bird MP
  - Mr Jamie Briggs MP
  - Mr John Forrest MP
  - Ms Sharon Grierson MP
  - Ms Kirsten Livermore MP
  - Ms Melissa Parke MP
  - Ms Michelle Rowland MP
  - Hon. Dr Sharman Stone MP

- Senator Simon Birmingham
- Senator Michaelia Cash
- Senator Scott Ludlam
- Senator Kerry O'Brien
- Senator Louise Pratt
- Senator Dana Wortley

#### **Committee Secretariat**

Secretary James Catchpole Inquiry Secretary Loes Slattery Julia Searle Administrative Officers Heidi Luschtinetz Dorota Cooley

#### 42nd Parliament

Chair	Mr Kelvin Thomson MP	
Deputy Chair	Senator Julian McGauran	
Members	Mr Jamie Briggs MP	Senator Simon Birmingham
	Hon. Duncan Kerr SC MP	Senator Michaelia Cash
	Mr John Forrest MP	Senator Don Farrell
	Ms Jill Hall MP	Senator Scott Ludlam
	Hon. John Murphy MP	Senator Louise Pratt
	Ms Belinda Neal MP	Senator Dana Wortley
	Ms Melissa Parke MP	
	Mr Luke Simpkins MP	

#### **Committee Secretariat**

Secretary	Russell Chafer (from 16/7/10) Jerome Brown (until 15/7/10)
Inquiry Secretaries	Kevin Bodel
	Julia Searle
Researcher	Jennifer Bowles (until 30/7/10)
Administrative Officers	Heidi Luschtinetz
	Dorota Cooley

## **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 abbreviations

ACSA	Acquisition and Cross Servicing Agreement
ACWL	Advisory Centre on WTO Law
AGD	Attorney-General's Department
ATO	Australian Taxation Office
DBCDE	Department of Broadband, Communications and the Digital Economy
DFAT	Department of Foreign Affairs and Trade
EU	European Union
FaHCSIA	Department of Families, Housing, Community Services and Indigenous Affairs
GMDSS	Global Maritime Distress and Safety System
HNS	Hazardous and Noxious Substances
IMSO	International Mobile Satellite Organization
INMARSAT	International Maritime Satellite Organization
JSCOT	Joint Standing Committee on Treaties
LRIT	Long Range Identification and Tracking
NIAs	National Interest Analyses

OECD	Organisation for Eco	onomic Co-operation and	Development
------	----------------------	-------------------------	-------------

- QSF Quality of Service Fund
- RIS Regulation Impact Statement
- UK United Kingdom
- UTML Uniform Trade Measurement Legislation
- UPU Universal Postal Union
- WTO World Trade Organisation
- WWTG World Wine Trade Group

## List of recommendations

2 Agreement between the Government of Australia and the Government of Japan concerning Reciprocal Provision of Supplies and Services between the Australian Defence Force and the Self-Defense Forces of Japan

#### **Recommendation 1**

The Committee supports the Agreement between the Government of Australia and the Government of Japan concerning Reciprocal Provision of Supplies and Services between the Australian Defence Force and the Self-Defense Forces of Japan and recommends that binding treaty action be taken.

## 3 Air Services Agreements with Brunei Darussalam, Spain, Switzerland and the United Kingdom

#### **Recommendation 2**

The Committee supports the *Exchange of Notes amending the Agreement* between the Government of Australia and the Government of His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam relating to Air Services and recommends that binding treaty action be taken.

#### **Recommendation 3**

The Committee supports the *Agreement between Australia and the Kingdom of Spain relating to Air Services* and recommends that binding treaty action be taken.

#### **Recommendation 4**

The Committee supports the *Agreement between the Government of Australia and the Swiss Federal Council relating to Air Services* and recommends that binding treaty action be taken.

#### **Recommendation 5**

The Committee supports the *Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services* and recommends that binding treaty action be taken.

# 4 Agreement with the European Union on the Security of Classified Information

#### **Recommendation 6**

The Committee supports the *Agreement between Australia and the European Union on the Security of Classified Information* and recommends that binding treaty action be taken.

#### 5 Universal Postal Union

#### **Recommendation 7**

The Committee supports the Universal Postal Union: Eighth Additional Protocol to the Constitution of 10 July 1964, as amended; Convention and Final Protocol; First Additional Protocol to the General Regulations; and Postal Payment Services Agreement, and recommends that binding treaty action be taken.

#### 6 Second Protocol to the Social Security Agreement with Austria

#### **Recommendation 8**

The Committee supports the *Second Protocol to the Agreement Between Australia and the Republic of Austria on Social Security* and recommends that binding treaty action be taken.

#### 7 Double Taxation Agreement with Turkey

#### **Recommendation 9**

The Committee supports the *Convention between the Government of Australia and the Government of the Republic of Turkey for the Avoidance of*  *Double Taxation with Respect to Taxes on Income and the Prevention of Fiscal Evasion, and Protocol* and recommends that binding treaty action be taken.

#### 8 World Wine Trade Group Agreement on Requirements for Wine Labelling

#### **Recommendation 10**

The Committee supports the *World Wine Trade Group Agreement on Requirements for Wine Labelling,* and recommends that binding treaty action be taken.

#### 9 Amendments to the Convention on the International Mobile Satellite Organization

#### **Recommendation 11**

The Committee supports the *Amendments to the Convention on the International Mobile Satellite Organization* and recommends that binding treaty action be taken.

#### 10 Convention on Limitation of Liability for Maritime Claims

#### **Recommendation 12**

The Committee supports denunciation of the *Convention on Limitation of Liability for Maritime Claims,* 1976 and recommends that binding treaty action be taken.

#### 11 Agreement establishing the Advisory Centre on WTO Law

#### **Recommendation 13**

The Committee supports accession to the *Agreement Establishing the Advisory Centre on WTO Law* and recommends that binding treaty action be taken.

#### 12 Air services agreements with Brazil, Mexico and Turkey

#### **Recommendation 14**

The Committee supports the *Air Services Agreement between the Government of the Federative Republic of Brazil and the Government of Australia* and recommends that binding treaty action be taken.

#### **Recommendation 15**

The Committee supports the *Agreement between the Government of Australia and the Government of the United Mexican States relating to Air Services* and recommends that binding treaty action be taken.

#### **Recommendation 16**

The Committee supports the *Air Services Agreement between the Government of Australia and the Government of the Republic of Turkey* and recommends that binding treaty action be taken.