

Report 111

Treaties tabled on 25 November 2009 (3), 4 and 24 February 2010

Convention on the Conservation of Migratory Species of Wild Animals

Statute of the International Renewable Energy Agency (IRENA)

Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands

Agreement Concerning the Provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia

Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the Kingdom of the Netherlands to amend the Agreement concerning the Provision of Medical Treatment of 5 April 1991

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Contents

Membership of the Committee	v
Resolution of Appointment	vii
List of recommendations	viii
1 Introduction	1
Purpose of the Report	1
Conduct of the Committee's Review	2
2 Amendments to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals.....	3
Background	3
The amendments.....	4
Implications for Australia	4
Environment Protection and Biodiversity Conservation Act 1999.....	6
Issues raised in submissions	7
Robustness of Australian populations	8
Impact on recreational fishing industry through EPBC Act.....	10
Consultation	11
Committee comment.....	12
3 Statute of the International Renewable Energy Agency.....	15
Background	15
Origins of IRENA.....	16
IRENA's governance.....	17

IRENA's activities.....	18
Reasons to take treaty action	19
Costs for Australia	20
Conclusion and recommendation	21
4 Agreement with France on Cooperative Enforcement of Fisheries Laws.....	23
Background	23
Reasons to take treaty action	24
The treaty	25
Hot pursuit.....	26
Costs	27
Implementation.....	27
Conclusion and recommendation	27
5 Agreement Concerning the Provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia.....	29
Background	29
Reciprocal health care agreements.....	30
The Agreement with Slovenia	31
Conclusion	32
Appendix A — Submissions	33
Appendix B — Exhibits.....	37
Appendix C — Witnesses	39
Monday, 1 February 2010 - Canberra	39
Monday, 15 March 2010 - Canberra	39
Appendix D — Minor treaty actions.....	41
Minor treaty action tabled on 24 February 2010.....	41

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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

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 Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals

Recommendation 1

The Committee recommends that the Department of the Environment, Water, Heritage and the Arts review its consultation processes for environmental treaties to ensure that more effective consultation is undertaken with a full range of potentially interested parties.

3 Statute of the International Renewable Energy Agency

Recommendation 2

The Committee supports the *Statute of the International Renewable Energy Agency* and recommends binding treaty action be taken.

4 Agreement with France on Cooperative Enforcement of Fisheries Laws

Recommendation 3

The Committee supports the *Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Area Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands* and recommends that binding treaty action be taken.

5 Agreement Concerning the Provision of Health Care
between the Government of Australia and the Government of the Republic
of Slovenia

Recommendation 4

The Committee supports the *Agreement Concerning the Provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia* and recommends that binding treaty action be taken.

Introduction

Purpose of the Report

1.1 This report contains advice to Parliament on the review by the Joint Standing Committee on Treaties of five treaty actions tabled in Parliament on 25 November 2009, 4 and 24 February 2010. These treaty actions are the:

- *Amendments to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals (Rome, 5 December 2008);*
- *Statute of the International Renewable Energy Agency (Germany, 26 January 2009);*
- *Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands (Paris, 8 January 2007);*
- *Agreement Concerning the Provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia (Canberra, 11 March 2009); and*
- *Amendment to the Agreement between the Government of Australia and the Government of the Kingdom of the Netherlands concerning the Provision of Medical Treatment of 5 April 1991.*¹

1.2 One of the powers of the Committee set out in its resolution of appointment is to inquire into and report on matters arising from treaties

1 Parliament of the Commonwealth of Australia, House of Representatives, *Votes and Proceedings* No. 136, p. 1505, No. 140, p. 1585, No. 147, p. 1649; Parliament of the Commonwealth of Australia, Senate, *Journals of the Senate*, No. 108, p. 3150, No. 110, p. 3178, No. 111, p. 3192.

and related National Interest Analyses (NIAs) presented. This report deals with inquiries conducted under this power, and consequently the report refers frequently to the treaties and their associated NIAs. Copies of each treaty and its associated NIA may be obtained from the Committee Secretariat or accessed through the Committee's website at:

www.aph.gov.au/house/committee/jsct

- 1.3 Copies of each treaty action and the NIAs may also be obtained from the Australian Treaties Library maintained on the internet by the Department of Foreign Affairs and Trade. The Australian Treaties Library is accessible through the Committee's website or directly at:

www.austlii.edu.au/au/other/dfat/

Conduct of the Committee's Review

- 1.4 The reviews contained in this report were advertised in the national press and on the Committee's website.² Invitations to lodge submissions were also sent to all State Premiers, Chief Ministers, Presiding Officers of parliaments and to individuals who have expressed an interest in being kept informed of proposed treaty actions. Submissions received and their authors are listed at Appendix A. Exhibits received are listed at Appendix B.

- 1.5 The Committee also received evidence at public hearings on 1 February and 15 March 2010 in Canberra. A list of witnesses who appeared at the public hearings is at Appendix C. Transcripts of evidence from the public hearings may be obtained from the Committee Secretariat or accessed through the Committee's website at:

- www.aph.gov.au/house/committee/jsct/25november2009/hearings.htm;
- www.aph.gov.au/house/committee/jsct/2february2010/hearings.htm; and
- www.aph.gov.au/house/committee/jsct/24february2010/hearings.htm.

2 The Committee's reviews of the proposed treaty actions were advertised in *The Australian* on 2 December 2009, 17 February 2010 and 3 March 2010. Members of the public were advised on how to obtain relevant information both in the advertisement and via the Committee's website, and invited to submit their views to the Committee.

Amendments to Appendices I and II of the Convention on the Conservation of Migratory Species of Wild Animals

Background

- 2.1 The Convention on the Conservation of Migratory Species of Wild Animals obliges States Parties to protect migratory species listed in the appendices to the Convention that live within, or pass through, their jurisdiction. Australia has been a party to the Convention since 1 September 1991.¹
- 2.2 The Convention divides species into two appendices. Appendix I includes migratory species that are endangered and Parties are obliged to provide these species with immediate protection. Appendix II includes migratory species with an unfavourable conservation status and which require, or would significantly benefit from, international agreements for their conservation and management.²
- 2.3 The Convention is implemented within Australia through the *Environment Protection and Biodiversity Conservation Act 1999*.

1 National Interest Analysis (NIA), para 5.

2 NIA, para 7.

The amendments

- 2.4 Amendments to Appendix I and II of the Convention were adopted by a meeting of the Conference of Parties in December 2008. These amendments consisted of the addition of 11 species of mammals and birds to Appendix I and 10 species of mammals, sharks and fish to Appendix II.³
- 2.5 Three of the shark species included in Appendix II range in Australian waters: porbeagle (*Lamna nasus*), shortfin mako (*Isurus oxyrinchus*) and longfin mako (*Isurus paucus*).⁴
- 2.6 Amendments to the appendices automatically enter into force for all Parties 90 days after the Conference of Parties meeting at which they were adopted, except for those Parties that make a reservation.⁵ Accordingly, the amendments automatically entered into force for Australia on 5 March 2009, 9 months before the treaty action was tabled in Parliament for consideration by this Committee.

Implications for Australia

- 2.7 International obligations arise for Australia from the inclusion of the shortfin mako, longfin mako and porbeagle sharks on Appendix II of the Convention.
- 2.8 Each of these sharks is classified by the International Union for Conservation of Nature (IUCN) as vulnerable.⁶ The IUCN considers, on the basis of the best available evidence, that each of the sharks is facing a high risk of extinction in the wild.⁷

3 NIA, para 1; NIA, Attachment A; NIA, Attachment B.

4 NIA, para 3.

5 NIA, para 1.

6 International Union for Conservation of Nature (IUCN), *IUCN Red List of Threatened Species*, 'Isurus paucus', viewed 21 January 2010, <<http://www.iucnredlist.org/apps/redlist/details/60225/0>>; IUCN, *IUCN Red List of Threatened Species*, 'Lamna nasus', viewed 21 January 2010, <<http://www.iucnredlist.org/apps/redlist/details/11200/0>>; IUCN, *IUCN Red List of Threatened Species*, 'Isurus oxyrinchus', viewed 21 January 2010, <<http://www.iucnredlist.org/apps/redlist/details/39341/0>>.

7 IUCN, *IUCN Red List of Threatened Species*, '2001 IUCN Red List Categories and Criteria version 3.1', viewed 1 March 2010, <<http://www.iucnredlist.org/technical-documents/categories-and-criteria/2001-categories-criteria>>.

- 2.9 According to the Department of the Environment, Water, Heritage and the Arts (the Department), these sharks are considered to have undergone substantial declines globally. The species are susceptible to over-exploitation and population depletion as a result of their continued interaction with fisheries, relatively low reproductive capacity and longevity.⁸ The risks facing these sharks include over-fishing, illegal trade, habitat degradation, incidental bycatch and emerging threats such as climate change.⁹
- 2.10 For Appendix II species, Article IV(3) of the Convention states that:
- Parties must endeavour to conclude agreements where these would benefit the species and give priority to those species with an unfavourable conservation status.¹⁰
- 2.11 Parties, such as Australia, that are Range States¹¹ are also required by Article III(4) to:
- endeavour to take specific measures to conserve the species and habitat;
 - prevent the adverse effects of activities that impede or prevent migration; and
 - prevent or minimise factors that endanger the species.¹²
- 2.12 To meet its obligations, Australia is participating in ongoing multilateral negotiations to develop a Memorandum of Understanding on the Conservation of Migratory Sharks. The National Interest Analysis prepared by the Department indicated that negotiations for the Memorandum of Understanding were currently focussed on the great white shark, whale shark and basking shark with the potential to incorporate the porbeagle, shortfin mako and longfin mako sharks in the future. The scope of the Memorandum of Understanding would remain under consideration as negotiations progress.¹³

8 Department of the Environment, Water, Heritage and the Arts, Factsheet, *Three Sharks Listed as Migratory Species under the EPBC Act*, viewed 19 January 2010, <<http://www.environment.gov.au/coasts/species/sharks/publications/fs-three-sharks.html>>.

9 NIA, para 4.

10 NIA, para 15.

11 A Range State is defined by Article I of the Convention as 'any State ... that exercises jurisdiction over any part of the range of that migratory species, or a State, flag vessels of which are engaged outside national jurisdictional limits in taking that migratory species'.

12 NIA, para 14.

13 NIA, paras 17 and 18.

2.13 In this regard, the Committee was interested to note the Minister for the Environment, Heritage and the Arts' statement in Parliament on 25 February 2010, which indicated that Australia had successfully argued at an international meeting earlier that month that all species of sharks currently included in the Convention appendices should be included in the Memorandum of Understanding.¹⁴

2.14 The Committee understands that international agreements to more effectively manage shark species are considered one of the ways in which the global decline of sharks might be addressed. The Department told the Committee that:

...all of these shark species are highly migratory, so they range across the high seas, so they are not in any particular country's jurisdiction for the entire time, so international action and cooperation are a key element in managing these shark species.¹⁵

Environment Protection and Biodiversity Conservation Act 1999

2.15 Listing of species on the appendices of the Convention also has implications in terms of Australian legislation.

2.16 Section 209(3)(a) of the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act) requires that any species that is listed on an appendix to the Convention and for which Australia is a Range State must be listed as a migratory species under the Act. Accordingly, the shortfin mako, longfin mako and porbeagle sharks were listed as migratory species under the EPBC Act with effect from 29 January 2010.¹⁶

2.17 The consequences of the listing are that:

- killing, injuring or taking of the species in a Commonwealth marine area, including trading, keeping or moving a member of the species, is prohibited; and
- actions that have, will have, or are likely to have a significant impact on the species as a whole, are also prohibited.¹⁷

14 Commonwealth of Australia, House of Representatives, *Votes and Proceedings*, 25 February 2010, p. 3.

15 Mr Nigel Routh, *Transcript of Evidence*, 1 February 2010, p. 15.

16 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 15.

17 Department of the Environment, Water, Heritage and the Arts, Factsheet, *Three Sharks Listed as Migratory Species under the EPBC Act*, viewed 19 January 2010, <<http://www.environment.gov.au/coasts/species/sharks/publications/fs-three-sharks.html>>.

- 2.18 This means that commercial fishing for these species is now prohibited and recreational, game or charter fishers are also unable to take, retain or kill mako or porbeagle sharks in Commonwealth waters.

Issues raised in submissions

- 2.19 The Committee received over 40 submissions to this inquiry, including many from recreational fishing groups and individuals opposed to the listing of these species, and particularly the shortfin mako shark, under the EPBC Act.
- 2.20 The main issues raised in these submissions were:
- there is a lack of scientific evidence that Australian populations of shortfin mako are under threat;
 - evidence suggests that the Southern Hemisphere and more threatened Northern Hemisphere populations of shortfin mako do not interact;
 - there has been a lack of consultation, with many people only becoming aware that the species would be listed under the EPBC Act following Minister Garrett's press release on 18 December 2009 announcing the listing;
 - the EPBC listing will have a significant impact upon the recreational fishing industry and the businesses that support that industry (for example, in Victoria, the recreational fishing industry is considered to contribute \$2.3 billion per year to the economy, with around \$100 million from game fishing);
 - recreational fishers practice good fisheries management including catch and release, tagging and limiting the number of fish kept for food, and support research programs;
 - the impact of commercial fisheries upon these species is far greater than that of recreational fishers; and
 - the EPBC Act listing imposes a tighter level of restriction than anticipated by the inclusion of the species on Appendix II of the Convention and is flawed in that the listing of Appendix II species is

required by the Act without adequate consideration of the vulnerability of species in Australian waters.¹⁸

- 2.21 The Queensland Government also provided a submission, which indicated its opposition to the listing of these species under the EPBC Act on the following grounds:

...from Queensland's perspective, the Commonwealth has not yet demonstrated that there are sustainability issues associated with the take of any of the shark species in Australian waters (incidental or otherwise), relative to potential increases in costs (for monitoring and stock assessment) and adverse impacts on Queensland's commercial, charter and game fishers.¹⁹

- 2.22 The Committee also received several submissions from conservation groups and individuals expressing support for the listing on the basis that shark populations have shown significant declines due to heavy fishing pressure and an inherent vulnerability to overfishing based upon their slow growth, late maturity and reproduction rate. This vulnerability was said to be compounded by a lack of knowledge about shark populations, their movements, and the effects of fishing.²⁰

Robustness of Australian populations

- 2.23 In evidence to the Committee, the Department stated that it does not have clear evidence about whether populations of shortfin mako, longfin mako and porbeagle sharks are robust or whether they are threatened by overfishing in Australian waters. In relation to the shortfin mako, however, this will be addressed through more extensive consideration of the species by the Threatened Species Scientific Committee over the next year or so.²¹
- 2.24 The Department also stated that while it is aware that the level of take of the species is relatively small, it also intends to work with state and territory fisheries management agencies and the Australian Fisheries Management Authority (AFMA) to improve its information about the take of these species.²²

18 See Submission No. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 36, 37, 38, 38.1, 39, 40, 41, 43, 44 and 45.

19 Queensland Department of the Premier and Cabinet, *Submission No. 42*.

20 See Submission No. 2, 3, 21, 30 and 35.

21 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 16.

22 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 16.

2.25 The Committee raised the question as to whether the precautionary principle should apply. In its response, the Department told the Committee that the precautionary principle is given practical effect through strategic assessments of each Commonwealth fishery managed by AFMA as well as the export components of state fisheries. The Department examines the sustainability of the fisheries management arrangements and impacts on threatened and endangered species.²³

2.26 Mr Stephen Oxley of the Department told the Committee:

The overall picture is that, through the exercise of our power under the EPBC Act over the course of the past decade, the management of shark fisheries has improved significantly and the level of take has come down substantially over that period.²⁴

2.27 In its submission, the Humane Society International (HSI) argued that there is very little data to demonstrate the robustness of Australian populations of these species. HSI went on to state:

HSI firmly believes the implementation of greater protection through listing under the EPBC Act as migratory species for the shortfin mako, longfin mako and porbeagle sharks to be an appropriate measure. This will ensure that Australia can take a precautionary approach to the protection of these species, ensuring that the sharks found in Australia's waters can be protected now, and will not need stricter emergency conservation measures required in other parts of the world.²⁵

2.28 The Australian Marine Conservation Society and Nature Conservation Council of NSW in their joint submission similarly stated:

...in most fishing jurisdictions, including Australia, little is known about shark populations, their movements and what effect fishing is having on their numbers and on ecosystems in general.²⁶

23 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 17.

24 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 17.

25 Humane Society International, *Submission No. 3*, p. 2.

26 Australian Marine Conservation Society and Nature Conservation Council of NSW, *Submission No. 2*, p. 1.

Impact on recreational fishing industry through EPBC Act

2.29 As noted earlier, any species that occurs in Australia and is included on either appendix to the Convention must be added to the list of migratory species under the EPBC Act.

2.30 In evidence, Departmental representatives informed the Committee that the EPBC Act imposes domestic requirements for each Appendix II species that 'go beyond what is required by the convention itself'.²⁷

2.31 The Committee notes that the issue of listing of Appendix II species was previously highlighted in an independent review of the EPBC Act led by Dr Allan Hawke. In its October 2009 report, the Hawke Review stated in relation to migratory species:

The clear intent of the Bonn Convention is to differentiate between Appendix I and II species and, in turn, the level of protection required. This is not reflected in the Act.²⁸

2.32 The Hawke Review went on to recommend:

Recommendation 17

The Review recommends that the provisions of Part 13 of the Act relating to migratory species listed on Appendix II of the Bonn Convention be reviewed and amended to allow the take of Appendix II migratory species, subject to management arrangements demonstrating that the take would not be detrimental to the survival of the species.

Any such amendment should ensure that the Act provides appropriate protection consistent with Australia's international obligations.²⁹

2.33 The Department told the Committee that the Minister for the Environment, Heritage and the Arts had announced on 25 January 2010 that the Government would move to introduce legislation:

... to ensure that the listing of mako sharks on appendix II of the Convention on Migratory Species does not affect recreational fishing activities in Australia.³⁰

27 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 15.

28 *The Australian Environment Act - Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999*, Final Report, October 2009, p. 128.

29 *The Australian Environment Act - Report of the Independent Review of the Environment Protection and Biodiversity Conservation Act 1999*, Final Report, October 2009, p. 129.

30 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 15.

- 2.34 The Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010 was introduced into Parliament on 25 February 2010.³¹
- 2.35 The Bill allows recreational fishing for longfin mako, shortfin mako and porbeagle sharks to occur notwithstanding the offence provisions of the EPBC Act. The Explanatory Memorandum indicates that:
- The Bill is an interim response to the issues identified by the Hawke Review as they apply to mako and porbeagle sharks while the Government develops and implements its formal response to the Hawke Review.³²
- 2.36 The Committee notes that this is an interim response that has been implemented in light of public outcry over the banning of recreational fishing for these species. That said, it appears clear to the Committee that scientific evidence as to the robustness of these species in Australian waters and the degree to which they might be threatened by overfishing is lacking. Given the threats to the species elsewhere in the world and the IUCN's assessment that the species are vulnerable to the risk of extinction, the Committee considers that gaining a better understanding of these species should be a priority for the Government to ensure that its decision making about applying exemptions under the EPBC is better informed.

Consultation

- 2.37 The Department told the Committee that extensive consultation was undertaken prior to the December 2008 meeting of the Conference of Parties to the Convention. This included within the Commonwealth and with State and Territory government agencies and the Commonwealth Fisheries Association, which represents commercial fishing interests.³³
- 2.38 Departmental representatives acknowledged however that it did not consult with recreational fishers and that:

I think that would be reasonably identified as a weakness in the consultation processes that the department ran in the lead-up to

31 Commonwealth of Australia, House of Representatives, *Votes and Proceedings*, 25 February 2010, p. 2.

32 The Parliament of the Commonwealth of Australia, House of Representatives, 2010, *Environment Protection and Biodiversity Conservation Amendment (Recreational Fishing for Mako and Porbeagle Sharks) Bill 2010*, Explanatory Memorandum, p. 2.

33 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 14.

the conference of parties. In fact we have taken a lesson from that experience.³⁴

- 2.39 The Committee notes that consultation also did not include conservation and environment groups.³⁵
- 2.40 The number and nature of the submissions received by this Committee suggests that the consultation processes adopted in relation to the amendments to the Convention were inadequate. Many submitters commented that they had no knowledge of the implications in terms of the EPBC Act until shortly before the listing came into effect in January 2010. The Committee considers that the Department needs to review its consultation processes to ensure that future amendments to environmental treaties that are likely to impact upon community based groups or individuals are subject to more adequate consultation and information processes.

Recommendation 1

The Committee recommends that the Department of the Environment, Water, Heritage and the Arts review its consultation processes for environmental treaties to ensure that more effective consultation is undertaken with a full range of potentially interested parties.

Committee comment

- 2.41 The Committee is unimpressed with the long delay in tabling these amendments in Parliament for consideration by this Committee.
- 2.42 The amendments were adopted by the Conference of Parties to the Convention in December 2008 but were not tabled until 25 November 2009, nearly nine months after the amendments had entered into force for Australia on 5 March 2009. The Committee considers that the Department of the Environment, Water, Heritage and the Arts needs to more effectively manage its treaty making processes to ensure that treaty actions are tabled in a timely manner and that this Committee's timeframes are respected, particularly where automatic entry into force provisions apply.

34 Mr Stephen Oxley, *Transcript of Evidence*, 1 February 2010, p. 17.

35 Department of the Environment, Water, Heritage and the Arts, *Submission No. 47*, p. 2.

- 2.43 The Committee reiterates the comment it previously made in Report 110 that the value of the Committee's inquiries to the treaty making process is undermined when there is insufficient time to properly consider a treaty or allow public examination of a treaty. The Committee's inquiries provide an important contribution to treaty making by subjecting treaties to parliamentary and public scrutiny, and providing legitimacy to the treaties.
- 2.44 While the status of the shortfin mako, longfin mako and porbeagle in Australian waters is a matter that requires further research, the Committee notes that the inclusion of the species on Appendix II of the Convention is intended to provide a higher level of international protection for these species, which face significant threats elsewhere in the world. The Committee therefore supports the Amendments to Appendices I and II of the *Convention on the Conservation of Migratory Species of Wild Animals*.

Statute of the International Renewable Energy Agency

Background

- 3.1 The International Renewable Energy Agency (IRENA) is a treaty level inter-governmental organisation that has been established to promote the widespread and increased adoption and sustainable use of all forms of renewable energy technologies.¹
- 3.2 IRENA was officially established on 26 January 2009 and is at present in an interim preparatory phase. The Statute governing the Agency will enter into force on 8 July 2010, 30 days after the 25th ratification required for entry into force was received.²
- 3.3 The Prime Minister, the Hon Kevin Rudd MP, announced Australia's intention to join IRENA on 17 May 2009 and Australia signed the Statute on 29 June 2009.³

1 Mr Brendan Morling, *Transcript of Evidence*, 15 March 2010, p. 1.

2 International Renewable Energy Agency (IRENA), IRENA's statute enters into force – 25th ratification completed, viewed 15 June 2010, <http://www.irena.org/index.php?option=com_content&view=article&id=445:masdar-launches-concentrated-solar-power-plant&catid=57:news-2009-2010&Itemid=129>.

3 NIA, Consultation Attachment; NIA, para 1.

Origins of IRENA

- 3.4 The German Government initiated IRENA through a series of bilateral discussions in January 2007. Germany then hosted a Preparatory Conference for the foundation of an International Renewable Energy Agency in April 2008, which was attended by 60 countries. A workshop was then held on 30 June and 1 July 2008 to develop IRENA's statute and possible institutional framework.⁴
- 3.5 The final intergovernmental Preparatory Conference for IRENA was held on 23-24 October 2008 in Madrid. Over 50 countries including Australia attended and the IRENA Statute was finalised.⁵
- 3.6 IRENA was officially established on 26 January 2009 in Bonn, Germany. Delegations from 125 countries, including Australia, attended the Founding Conference, and 75 nations signed the IRENA Statute.⁶ At 15 June 2010, 144 countries have signed the Statute and 26 ratifications have been received.⁷
- 3.7 The Founding Conference established a Preparatory Commission and Administrative Committee to oversee the development of IRENA in the period until the Statute enters into force. The Preparatory Commission consists of all signatory members of IRENA and each meeting is chaired by the host nation. The Administrative Committee, chaired by Germany, is open to all members who are interested in participating.⁸
- 3.8 Three sessions of the Preparatory Commission have been held to date and a number of decisions taken, including:
- selection of an interim Director-General;
 - establishment of the Administrative Committee;
 - selection of interim headquarters in Abu Dhabi;
 - agreement that Bonn, Germany, will host and fund IRENA's centre of innovation and technology;

4 Department of Resources, Energy and Tourism, *Submission No. 5*, p. 1.

5 Department of Resources, Energy and Tourism, *Submission No. 5*, p. 1.

6 Department of Resources, Energy and Tourism, *Submission No. 5*, p. 1.

7 International Renewable Energy Agency (IRENA) Signatories, 13 June 2010, viewed 15 June 2010, < http://www.irena.org/downloads/Foundconf/Signatory_States_2010.pdf>.

8 Mr Rick Belt, *Transcript of Evidence*, 25 March 2010, p. 5.

- agreement that Vienna will be the agency's liaison office for cooperation with other organisations active in the field of renewable energy;
- agreement on the initial work program, financial regulations, staff regulations and budget; and
- agreement on the 2010 Work Program and budget.⁹

3.9 2010 will be IRENA's first full year of operation.¹⁰

IRENA's governance

- 3.10 Once the Statute enters into force, IRENA will be governed by an Assembly and will act in accordance with the purposes and principles of the United Nations to promote peace and international cooperation, and in conformity with the policies of the United Nations to promote sustainable development. IRENA is not however currently affiliated with the United Nations.¹¹
- 3.11 Membership is open to states that are members of the United Nations and to regional intergovernmental economic integration organisations, such as the European Commission.¹² IRENA's membership will be wider than the Organisation for Economic Co-operation and Development (OECD) and International Energy Agency (IEA).¹³
- 3.12 IRENA's Statute includes provisions relating primarily to the structure of IRENA, including establishment and operation of the Assembly, the Council and the Secretariat, rather than to the obligations of individual Members.¹⁴ The Statute provides that the Assembly will consist of one representative of each Member and will meet annually unless it decides otherwise.¹⁵
- 3.13 The Council will be comprised of between 11 and 21 representatives, elected by the Assembly and will be responsible for facilitating

9 Department of Resources, Energy and Tourism, *Submission No. 5*, pp. 1-2.

10 NIA, para 8.

11 Mr Brendan Morling, *Transcript of Evidence*, 15 March 2010, p. 1.

12 Mr Brendan Morling, *Transcript of Evidence*, 15 March 2010, p. 1.

13 NIA, para 9.

14 NIA, para 11.

15 NIA, para 12.

consultation and cooperation between Members, and developing and submitting the draft work program and annual report to the Members.¹⁶

- 3.14 Members will be obliged to pay a mandatory contribution towards the budget of IRENA, based on the scale of assessments of the United Nations.¹⁷

IRENA's activities

- 3.15 It is intended that IRENA will be a centre of excellence for renewable energy technology and a significant mechanism for international engagement on this issue. The activities that will be undertaken by IRENA as outlined in Article IV of the Statute include:

- analysing, monitoring and systematising current renewable energy practices;
- initiating discussion and interaction with other government and non-government organisations and networks;
- providing relevant policy advice;
- promoting knowledge, technology transfer and the development of local capacity and competence;
- offering capacity building;
- advising on financing for renewable energy;
- stimulating and fostering research; and
- providing information about the development and deployment of national and international technical standards.¹⁸

- 3.16 The Committee heard that one of the aims of IRENA will be capacity building in developing countries. This includes both technical capacity and the policy frameworks to advance renewable energy.¹⁹ Departmental representatives indicated that there is a high level of membership among developing countries, including Africa and Pacific nations, and that it is foreseen that IRENA will have a large capacity building role.²⁰

16 NIA, para 13.

17 NIA, para 14.

18 Article IV.

19 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 3.

20 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 3.

Reasons to take treaty action

- 3.17 The Committee was informed that the objectives of IRENA align with the Government's commitments on climate change and the development of renewable energy. Ratification of the Statute will allow Australia to:
- further engage with the international community on renewable energy technology development and deployment issues;
 - take an active role in helping to develop the agency and its work plan; and
 - strengthen cooperative ties with countries both in and outside our region and move beyond Australia's traditional engagement with bodies such as the International Energy Agency.²¹
- 3.18 Specifically, the Committee was informed that early ratification would be advantageous because it would allow Australia to influence IRENA's work program. Australia has already been instrumental in the creation of a number of working groups to oversee the set-up of the organisation, including the necessary legal documents and governance arrangements, and implementation of the 2010 work program.²²
- 3.19 Further, should Australia ratify before the Assembly comes into existence it will then be a full member rather than an observer at the first Assembly meeting, enabling it to vote if necessary on key issues at that first meeting.²³
- 3.20 As noted above, IRENA's membership is likely to be wider than the OECD and IEA. The Department considered that this wider membership presents opportunities for greater information exchange and increased dialogue with a number of key countries on renewable energy policy, deployment and technology.²⁴ In particular, the membership of developing countries in the Asia-Pacific region is likely to enhance Australia's networks for the exchange, development and improvement of renewable energy technologies. It will also bring further international attention to the energy issues and challenges faced by the Asia-Pacific region.²⁵

21 Mr Brendan Morling, *Transcript of Evidence*, 15 March 2010, p. 2.

22 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 9.

23 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 10.

24 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 9.

25 NIA, para 9.

- 3.21 The Committee heard that that Australia has a substantial domestic program and, consequently, experience that it can share with other countries.²⁶ Some current renewable energy projects include:
- the Australian Solar Institute, which is dedicated to furthering research and development in solar energy issues; and
 - a geothermal drilling program, which has provided funding to seven applicants to undertake drilling to get technology up to proof of concept stage.
- 3.22 The Government has also announced:
- a large-scale solar flagships program to improve its understanding of the operation of solar power on a large scale; and
 - renewable energy demonstration programs in geothermal drilling, wave power and an integrated project on King Island.²⁷
- 3.23 Mr Rick Belt of the Department of Resources, Energy and Tourism told the Committee that Australia is considered a leader in areas such as solar photovoltaic technology. Further, many countries are interested in other Australian activities, such as hot rock geothermal, as well as policy frameworks, such as the renewable energy target policy.²⁸

Costs for Australia

- 3.24 The Committee notes that the budget of the agency will be financed by mandatory contributions, voluntary contributions and other possible sources in accordance with the financial rules adopted by the Assembly.²⁹
- 3.25 Each Member State's contribution to IRENA will be calculated by dividing the agreed budget amongst the States that have signed the Statute in accordance with the UN scale of assessments. The Committee was informed that, as at 15 March 2010, Australia's contribution is 1.9 percent of IRENA's costs.³⁰

26 Mr Brendan Morling, *Transcript of Evidence*, 15 March 2010, p. 10.

27 Mr Brendan Morling, *Transcript of Evidence*, 15 March 2010, p. 2.

28 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 10.

29 Article XII.

30 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 7.

- 3.26 Australia's future membership contributions will depend upon factors such as work programs, budgets and membership level.³¹ Funding for the contribution will be drawn from the budget of the Australian Centre for Renewable Energy.³²
- 3.27 Australia has been asked to contribute US\$336,120 (approx AUD\$370,000) towards IRENA's 2010 workplan upon ratification. Departmental representatives pointed out that all contributions made during the interim phase are voluntary. Contributions will not become mandatory until the Statute enters into force.³³
- 3.28 The Committee notes that a number of countries have made voluntary contributions to date and that IRENA has an opening reserve of \$5.4 million, funded by voluntary contributions from Austria, Denmark, Germany, France, India, Spain and the United Arab Emirates. The United Arab Emirates, Germany and Austria will provide further voluntary assistance through supporting the operation of facilities in these countries.³⁴
- 3.29 In evidence, the Department informed the Committee that Australia has:
- not proposed or entertained the idea of making a contribution other than a mandatory contribution....³⁵
- 3.30 In addition to Australia's membership, the Committee understands that approximately \$250,000 has been budgeted per annum to meet staff and associated administrative costs associated with supporting Australia's membership of IRENA.³⁶

Conclusion and recommendation

- 3.31 The Committee acknowledges that there are a number of advantages to be gained from greater Australian engagement with the international community on renewable energy issues. IRENA, with its broad membership base and focus upon renewable energy, appears to be a useful mechanism to achieve this engagement. The Committee recognises also that it would be useful to ratify the Agency's Statute at an early date to

31 Department of Resources, Energy and Tourism, *Submission No. 5*, p. 4.

32 Department of Resources, Energy and Tourism, *Submission No. 5*, p. 3.

33 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, p. 7.

34 Department of Resources, Energy and Tourism, *Submission No. 5*, p. 3.

35 Mr Rick Belt, *Transcript of Evidence*, 15 March 2010, pp. 7-8.

36 Department of Resources, Energy and Tourism, *Submission No. 5*, p. 4.

maximise opportunities to provide input into the workplan and governance of IRENA. The Committee therefore supports binding treaty action being taken.

Recommendation 2

The Committee supports the *Statute of the International Renewable Energy Agency* and recommends binding treaty action be taken.

Agreement with France on Cooperative Enforcement of Fisheries Laws

Background

- 4.1 The purpose of the *Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Areas Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands* is to tackle illegal, unreported and unregulated (IUU) fishing in an area known as the Area of Cooperation. This comprises the territorial seas and exclusive economic zones surrounding the Australian territory of Heard Island and the McDonald Islands and the French Southern and Antarctic Territories.¹
- 4.2 The agreement builds upon the existing Cooperative Fisheries Surveillance Treaty² between Australia and France, which entered into force in 2005.³ Article 2 of Annex III of that treaty provides that the Parties may conclude agreements or arrangements on law enforcement operations. This agreement will formalise previous ad hoc enforcement activities undertaken with France.⁴

1 National Interest Analysis (NIA), para 4.

2 The full title of the treaty is Treaty between the Government of Australia and the Government of the French Republic on Cooperation in the Maritime Areas Adjacent to the French South and Antarctic Territories (TAAF), Heard Island and the McDonald Islands.

3 Mr Roland Pittar, *Transcript of Evidence*, 15 March 2010, p. 16.

4 NIA, para 8.

Reasons to take treaty action

- 4.3 Close cooperation with other countries is considered by the Government to be one of the most effective ways to enforce Australia's fisheries laws in the remote Southern Ocean.⁵ The Committee has also previously noted the importance of cooperative surveillance and enforcement activity to address IUU fishing in its consideration of the Cooperative Fisheries Surveillance Treaty in 2004.⁶
- 4.4 IUU fishing in the Area of Cooperation is a serious threat to the marine environment and the sustainability of valuable fish stocks that are legitimately harvested by fishing operators.⁷ Australia and France, with neighbouring exclusive economic zones, have a common interest in protecting the fisheries resources within these zones. Australia is also committed to ensuring these resources are managed in a sustainable manner.⁸
- 4.5 Mr Roland Pittar of the Department of Agriculture, Fisheries and Forestry told the Committee that the cooperative enforcement activities envisaged by this agreement will greatly improve efforts by both countries to prevent, deter and eliminate IUU fishing in the Southern Ocean.⁹ Indeed, it appears that patrols since the treaty's signing have already deterred illegal activity in Australian and French waters.¹⁰
- 4.6 In addition to protecting fisheries resources, the agreement will also contribute to protecting the world heritage area of Heard Island and the McDonald Islands, which is significant as an intact ecosystem free from introduced species. Accordingly, Australia has implemented strict fisheries management laws, designed to help protect the area's world heritage values.
- 4.7 According to Mr Paul Murphy of the Australian Fisheries Management Authority, the threat posed by IUU fishing to the values of this area:
- ...is very serious. The licensed operations that Australian vessels carry out in the [Heard Island and McDonald Islands] region are probably the strictest licenses that we have for any Australian fishery. All processing must be done on board. The fishermen are
-

5 NIA, para 7.

6 JSCOT Report 63.

7 NIA, para 5.

8 NIA, para 6.

9 Mr Roland Pittar, *Transcript of Evidence*, 15 March 2010, p. 17.

10 Mr Paul Murphy, *Transcript of Evidence*, 15 March 2010, p. 17.

not allowed to release offal into the ocean. They cannot release vegetable matter such as brassicas in case the island becomes seeded with exotic pests. It is very serious, and the thing about unregulated or illegal fishing is that they are not bound by any license conditions.¹¹

The treaty

- 4.8 The treaty defines ‘cooperative enforcement’ as fisheries enforcement activities such as the boarding, inspection, hot pursuit, apprehension, seizure and investigation of fishing vessels that are believed to have violated applicable fisheries laws, undertaken by one Party in cooperation with the other Party.¹²
- 4.9 Such activities may only be undertaken when there is a ‘Controller’ on board an authorised vessel. A Controller is an officer of one Party who is authorised to exercise cooperative enforcement activities on the authorised vessel of the other Party.¹³
- 4.10 A practical example of cooperative enforcement would be a patrol undertaken by a French vessel in Australian waters around Heard Island and the McDonald Islands with an Australian fisheries officer on board. If a vessel was sighted and suspected of undertaking IUU fishing activities, the Australian officer would undertake action to enforce Australian fisheries laws with the assistance of French officers. The same would also occur in a situation where an Australian vessel was undertaking patrols in French waters with a French officer on board.¹⁴
- 4.11 The other provisions of the agreement include requirements that:
- enforcement activities be undertaken in conformity with the applicable law in the maritime zone in which the activities are undertaken;¹⁵
 - Controllers cannot be required to conduct activities contrary to laws of the Controller’s country;¹⁶

11 Mr Paul Murphy, *Transcript of Evidence*, 15 March 2010, p. 18.

12 NIA, para 9.

13 NIA, para 10.

14 Mr Roland Pittar, *Transcript of Evidence*, 15 March 2010, p. 17.

15 NIA, para 10.

16 NIA, para 11.

- Parties must hand over vessels, persons, equipment and any documents seized by one party in the maritime zone of the other Party as soon as possible; and
- Parties must also use best efforts to ensure that fishing vessels considered to be fishing illegally are apprehended and that illegal catches are seized or denied transshipment.¹⁷

4.12 The seizure of a vessel is considered the biggest deterrent to illegal activities.¹⁸ The Committee was informed that no illegal activities have been sighted in either Australian or French waters since the agreement was signed. The most recent seizure of vessels was in 2004, when two vessels were seized, one in Australian waters and the other in French waters.¹⁹

Hot pursuit

4.13 Both Parties, as Parties to the United Nations Convention on the Law of the Sea (UNCLOS), may conduct a hot pursuit beyond the boundaries of their exclusive economic zone of vessels suspected of illegal activity. The proposed treaty also allows the authorised vessel of one party to take over a hot pursuit commenced by an authorised vessel of the other Party.²⁰

4.14 Dr Greg French of the Department of Foreign Affairs and Trade informed the Committee of the importance of the hot pursuit provisions in this agreement:

...to develop what we sometimes call a 21st century definition of hot pursuit whereby, critically, it allows the possibility of using remote-sensing types of surveillance-that is, satellites or pilotless aerial vehicles-to commence and continue hot pursuit.²¹

4.15 This extends the provisions of UNCLOS, which are taken to require that a direct sighting be made in order to commence and continue hot pursuit. Dr French suggested that this aspect of the treaty is contributing to the progressive development of international law:

...in a way which helps to tip the balance in favour of conservation over the criminals...²²

17 NIA, paras 13, 15.

18 Mr Paul Murphy, *Transcript of Evidence*, 15 March 2010, p. 17.

19 Mr Paul Murphy, *Transcript of Evidence*, 15 March 2010, p. 17.

20 NIA, para 16.

21 Dr Greg French, *Transcript of Evidence*, 15 March 2010, p. 18.

22 Dr Greg French, *Transcript of Evidence*, 15 March 2010, p. 18.

Costs

- 4.16 The agreement provides that the costs incurred during cooperative enforcement activities shall be borne by the country undertaking them. Further, any proceeds from the sale of vessels, fishing equipment, fuel and lubricant, or catch which has been forfeited following cooperative enforcement activities shall belong to the party whose laws are believed to have been violated.
- 4.17 The National Interest Analysis indicates that the treaty may result in savings for Australia over the long term by providing it with an opportunity to extend its presence in the Southern Ocean.²³

Implementation

- 4.18 The *Fisheries Management Act 1991* will be amended to give effect to parts of the treaty.
- 4.19 The Committee appreciates that, consistent with long-standing practice, the Minister for Agriculture, Fisheries and Forestry indicated his intention to delay introduction of amendments to give effect to this treaty until after the Committee had reported its findings.

Conclusion and recommendation

- 4.20 The Committee recognises the difficulties associated with enforcing fisheries laws in the remote Southern Ocean and the advantages arising from cooperative action with other countries to address IUU fishing. It appears to the Committee that the benefits of a greater presence by both Australian and French vessels in this region are already being observed. The Committee therefore supports binding treaty action being taken.

²³ NIA, para 19.

Recommendation 3

The Committee supports the *Agreement on Cooperative Enforcement of Fisheries Laws between the Government of Australia and the Government of the French Republic in the Maritime Area Adjacent to the French Southern and Antarctic Territories, Heard Island and the McDonald Islands* and recommends that binding treaty action be taken.

Agreement Concerning the Provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia

Background

- 5.1 The *Agreement Concerning the Provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia* (the Agreement) is the latest in a series of bilateral reciprocal health care agreements.¹ The agreements provide access to the public health care systems of the signatories for any necessary treatment required by residents of one country temporarily visiting the other.²
- 5.2 Australia's bilateral reciprocal health care agreements are negotiated with countries that provide public health care of a similar standard to that available in Australia.³
- 5.3 Australia has already concluded agreements with:
- New Zealand in 1986;
 - the United Kingdom in 1986;
 - Malta in 1988;
 - Sweden in 1989;

1 National Interest Analysis (NIA), para 3.

2 Ms Samantha Robertson, *Transcript of Evidence*, 15 March 2010, p. 14.

3 Joint Standing Committee on Treaties, *Report 87*, 16 August 2007, p. 14.

- the Netherlands in 1992;
- Finland in 1993;
- the Republic of Ireland in 1998;
- Norway in 2004; and
- Belgium in 2009.⁴

5.4 An agreement with Denmark is expected to be concluded in 2011.⁵

Reciprocal health care agreements

- 5.5 When a person from one of the countries that is party to a reciprocal health care agreement is temporarily staying in the other country and is in need of immediate medical attention, the agreements require that the person be provided with the medical services which are clinically necessary for the diagnosis, treatment and care of the person.⁶ The medical services available to the person include general practitioners, pharmaceuticals and public hospital care.⁷
- 5.6 The standard of treatment provided to the person is to be the same as the standard of treatment provided to the residents of the country the person is visiting.⁸
- 5.7 Neither party to a reciprocal health care agreement is liable for the cost of their residents' treatment in the other country.⁹ According to the Department of Health and Ageing (DHA), the similar number of travellers between each of the signatories makes reciprocal health care agreements cost neutral.¹⁰
- 5.8 Reciprocal health care agreements are particularly useful for travellers who are fit to travel but are unable to obtain travel insurance because of pre-existing medical conditions or because of their age.¹¹

4 Ms Samantha Robertson, *Transcript of Evidence*, 15 March 2010, p. 14.

5 NIA, para 4.

6 NIA, para 8.

7 Joint Standing Committee on Treaties, *Report 87*, 16 August 2007, p. 13.

8 NIA, para 8.

9 NIA, para 9.

10 Ms Samantha Robertson, *Transcript of Evidence*, 15 March 2010, p. 14.

11 Joint Standing Committee on Treaties, *Report 87*, 16 August 2007, p. 14.

- 5.9 The DHA also emphasises the wider public health benefits of ensuring that visitors receive appropriate treatment and are therefore not a risk to those they come into contact with.¹²
- 5.10 The only people not covered by the Agreement are those who have entered the territory of either party for the purposes of receiving medical treatment.¹³

The Agreement with Slovenia

- 5.11 Typically, 2,000 Slovenians visit Australia each year. The statistics for the number of Australians who visit Slovenia are less accurate because Slovenia is part of the EU. The DHA estimates that 1,500 Australians visit Slovenia each year.¹⁴
- 5.12 Under the Agreement, an Australian visiting Slovenia who requires urgent treatment will be provided with the same quality of treatment as would be given to a Slovenian with a similar condition.¹⁵
- 5.13 According to the DHA:
- If Australians travelling to Slovenia need to see a doctor or go to a hospital whilst in Slovenia, they will simply use their passports and Medicare cards to prove their eligibility in Australia and also for the Slovenian health system and no charge will be raised.¹⁶
- 5.14 The arrangements for a Slovenian travelling in Australia will be similar.¹⁷
- 5.15 The nature of the Slovenian health care system means that occasionally, Australians seeking medical care will be faced with some out of pocket expenses.
- 5.16 The public health care scheme in Slovenia is called the Health Insurance Scheme. Most general practitioners in Slovenia are contracted under this scheme, but some are not. General practitioners who are not contracted under the Health Insurance Scheme will charge the full fee for services

12 NIA, para 5.

13 NIA, para 9.

14 NIA, para 14.

15 NIA, para 8.

16 Ms Samantha Robertson, *Transcript of Evidence*, 15 March 2010, p. 14.

17 NIA, para 11.

provided. Australians in this situation can claim a refund from the Health Insurance Institute of Slovenia.¹⁸

5.17 Similarly, some referred specialist and hospital services charge co-payments of the sort commonly experienced in Australia.¹⁹

5.18 The Agreement is expected to cost the Australian Government \$7,000 per annum.²⁰

Conclusion

5.19 The Committee notes that this Agreement is part of growing network of bilateral health care agreements with countries providing a similar standard of health care. Given an ageing population with a propensity to travel, such agreements provide an assurance to Australian travellers who are not able to obtain travel insurance that they will be appropriately cared for in time of need. The Committee supports this agreement.

Recommendation 4

The Committee supports the *Agreement Concerning the Provision of Health Care between the Government of Australia and the Government of the Republic of Slovenia* and recommends that binding treaty action be taken.

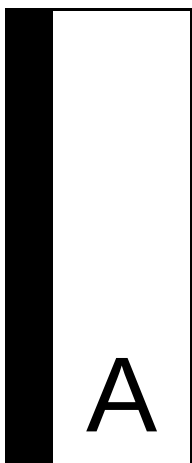
Mr Kelvin Thomson MP

Committee Chair

18 Ms Samantha Robertson, *Transcript of Evidence*, 15 March 2010, p. 14.

19 Ms Samantha Robertson, *Transcript of Evidence*, 15 March 2010, p. 14.

20 NIA, para 13.



Appendix A — Submissions

Treaties tabled on 25 November 2009

- 1.1 Australian Patriot Movement
- 2 Nature Conservation Council of NSW
- 3 Humane Society International
- 3.1 Humane Society International
- 4 Mr Jason Macs
- 5 Mr Peter Haar
- 6 Mr William Moore
- 7 VRFish
- 8 Mr Shaun Dallman
- 9 Port MacDonnell Offshore Angling Club
- 10 Mr Phillip Partington
- 11 Mr Jim Kirk
- 12 Mr Darren Lay
- 13 Mr Bill Wainwright
- 14 Ms Jennifer Keenan
- 15 Mr James Bishop
- 16 Bass Strait Game Fishing Club
- 17 Mr Robert Ellett

- 18 Tasmanian Association for Recreational Fishing Inc.
- 19 Mr Paul Irvine
- 20 Mr Alan Rushworth
- 21 Conservation Council SA
- 22 Mr Dale McClelland
- 23 Mr Kevin Oates
- 24 Mr Peter Simpson
- 25 Mr Bill Pedrina
- 26 Mr Bob Danckert
- 27 Mr Michael Mizzi
- 28 Dr Travis Dutka
- 29 Mr Daniel Stanilovic
- 30 Ms Claudia Flaxman
- 31 Ms Ashley Dance
- 32 Mr Craig Findlay
- 33 Mr Trevor Jones
- 34 Ms Jacqui Giddens
- 35 Mr Josh Coates
- 36 Mr Scott Sapsford
- 37 Mr Steve Taranto
- 38 Mr Daron Proudlock
- 38.1 Mr Daron Proudlock
- 39 Mr Luke Taylor
- 40 Mr David Cox
- 41 Mr Glenn Gazzola
- 42 Queensland Government
- 43 Mr Craig Trewin
- 44 Mr Garry Kerr

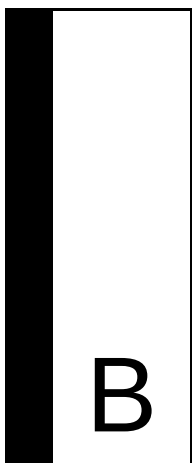
- 45 Mr Andrew Lewthwaite
- 47 Department of the Environment, Water, Heritage and the Arts

Treaty tabled on 4 February 2010

- 2.1 Australian Patriot Movement
- 4 ACT Government
- 5 Department of Resources, Energy and Tourism

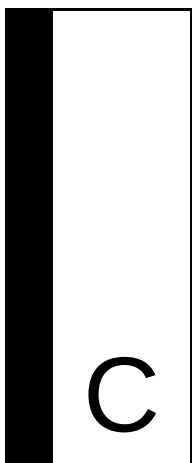
Treaties tabled on 24 February 2010

- 1.1 Australian Patriot Movement
- 1.2 Australian Patriot Movement



Appendix B — Exhibits

- 1 Humane Society International
Threatened Species Nomination Form
- 2 Mr Kevin Oates
Letter to the Hon Peter Garrett re: Mako Shark fishing ban
- 3 Mr Bob Danckert
Letter to the Hon Peter Garrett, AM MP
- 4 Department of the Environment, Water, Heritage and the Arts
Implications for Proposed Shark Listings under the Convention on the Conservation of Migratory Species of Wild Animal (CMS)
- 5 Mr Scott Binney
Proposed Ban on Mako Fishing



Appendix C — Witnesses

Monday, 1 February 2010 - Canberra

Department of the Environment, Water, Heritage and the Arts

Mr Stephen Oxley, First Assistant Secretary, Marine Division

Mr Nigel Routh, Assistant Secretary, Marine Biodiversity Policy Branch

Monday, 15 March 2010 - Canberra

Australian Fisheries Management Authority

Mr Paul Murphy, General Manager, Fisheries Operations Branch

Department of Agriculture, Fisheries and Forestry

Mr Roland Pittar, General Manager, Fisheries Branch, Sustainable
Resource Management Division

Department of Foreign Affairs and Trade

Dr Gregory French, Assistant Secretary, International Legal Branch

Mr David Mason, Executive Director, Treaties Secretariat, International
Legal Branch

Department of Health and Ageing

Ms Jennifer Campain, Director, Medicare Eligibility

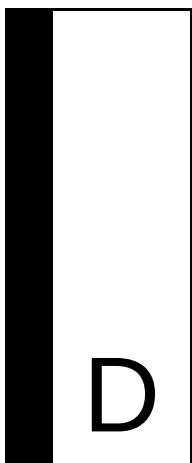
Ms Samantha Robertson, Assistant Secretary, MBS Policy Implementation,
Medical Benefits Division

Department of Resources, Energy and Tourism

Mr Rick Belt, Manager, Renewable Energy Section, Energy and Environment Division

Mr Brendan Morling, Head of Energy and Environment Division

Ms Veronica Westacott, Assistant Manager, Renewable Energy Section, Energy and Environment Division



Appendix D — Minor treaty actions

Minor treaty actions are identifiably minor treaties, generally technical amendments to existing treaties, which do not impact significantly on the national interest. Minor treaty actions are tabled with a one-page explanatory statement. The Joint Standing Committee on Treaties has the discretion to formally inquire into these treaty actions or indicate its acceptance of them without a formal inquiry and report.

The following minor treaty actions were considered by the Committee on the dates indicated. In each case the Committee determined not to hold a formal inquiry and agreed that binding treaty action may be taken.

Minor treaty action tabled on 24 February 2010

Considered by the Committee on 9 March 2010:

- Exchange of Notes constituting an Agreement between the Government of Australia and the Government of the Kingdom of the Netherlands to amend the Agreement concerning the Provision of Medical Treatment of 5 April 1991.

The purpose of the Exchange of Notes is to reflect changes in legislation and the names of government agencies in Australia and the Netherlands. The practical and legal effect of the proposed treaty action is technical and does not affect the benefits or scope of the Australia–Netherlands Agreement. There are no financial implications.¹

1 Explanatory Statement 1 of 2010, p. 1.