

Introduction

Purpose of the report

- 1.1 This report contains the Joint Standing Committee on Treaties' review of treaty actions tabled on 7 and 28 February 2012.
- 1.2 These treaty actions are proposed for ratification and are examined in the order of tabling:
 - **Tabled 7 February 2012**
 - ⇒ *Resolution MEPC.193(61): (Revised MARPOL Annex III: Regulations for the Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Adopted at London on 1 October 2010; and*
 - ⇒ *Amendments to Appendices I and II to the Convention on the Conservation of Migratory Species of Wild Animals (Bonn, 23 June 1979) done at Bergen on 25 November 2011.*
 - **Tabled 28 February 2012**
 - ⇒ *Agreement between Australia and the European Union Amending the Agreement on Mutual Recognition in relation to Conformity Assessment (MRA), Certificates and Markings between the European Community and Australia done at Brussels on 23 February 2012;*
 - ⇒ *Convention providing a Uniform Law on the Form of an International Will done at Washington D.C. on 26 October 1973;*
 - ⇒ *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment done at New York on 18 December 2002; and*

⇒ *Amendments to the Agreement Establishing the European Bank for Reconstruction and Development, adopted at London on 30 September 2011.*

■ **Minor Treaty Action**

⇒ *Amendment, adopted at Lima on 27 April 2012, to Annex 1 of the Agreement on the Conservation of Albatrosses and Petrels (ACAP) of 19 June 2001 that enters into force automatically on 26 July 2012.*

- 1.3 The Committee's resolution of appointment empowers it to inquire into any treaty to which Australia has become 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 do not require an RIS.
- 1.7 The Committee takes account of these documents in its examination of the treaty text, in addition to other evidence taken during the inquiry program.
- 1.8 Copies of each treaty and its associated documentation may be obtained from the Committee Secretariat or accessed through the Committee's website at:

<www.apf.gov.au/house/committee/jsct>

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 Friday, 9 March 2012 for those treaties tabled 7 February 2012 and Friday, 30 March 2012 for those treaties tabled on 28 February with extensions available on request.
- 1.10 Invitations were made to all State Premiers, Chief Ministers and to the Presiding Officers of each Parliament to lodge submissions. The Committee also invited submissions from individuals and organisations with an interest in the particular treaty under review.
- 1.11 Submissions received and their authors are listed at Appendix A.
- 1.12 The Committee examined the witnesses on each treaty at public hearings held in Canberra on 7 May and 1 June 2012.
- 1.13 Transcripts of evidence from the public hearings may be obtained from the Committee Secretariat or accessed through the Committee's website under the treaty's tabling date, being:
- **7 February 2012**
http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jsct/7february2012/hearings.htm
 - **28 February 2012**
http://www.aph.gov.au/Parliamentary_Business/Committees/House_of_Representatives_Committees?url=jsct/28february2012/hearings.htm
- 1.14 A list of witnesses who appeared at the public hearings is at Appendix B.

