

Government Response to
Report 53
of the
Joint Standing Committee on Treaties

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The Government thanks the Committee for its consideration of the treaties tabled, and gives the following responses to the Committee's recommendations 7, 10 and 11:

Agreement on Medical Treatment for Temporary Visitors between the Government of Australia and the Government of the Kingdom of Norway

Recommendation 7

The Committee recommends that the Government investigate ways of improving data collection for the purposes of monitoring costs associated with similar agreements.

The Department of Health and Ageing is aware of the limitations on data collection and monitoring of medical treatment under the reciprocal health agreements. The Department will maintain consultations with the States and Territories with a view to improving data collection. Similarly, the Department will consult with Norway, and other countries covered by health agreements, on the monitoring of medical costs for Australians in those countries.

Convention on Highly Migratory Fish Stocks in the Western and Central Pacific Ocean

Recommendation 10

The Committee recommends that in future international Treaty negotiations of this kind, Australia seek to give preference to more rigorous language of the kind contained in Article 5(b) 'best possible scientific evidence' in contrast to the ill defined terms of Article 5(c) 'precautionary approach' with the consequent definitional and commercial uncertainty that this ill defined term carries at the international level.

In international treaty negotiations dealing with risk, the Australian Government places emphasis on the need for science-based assessments of such risk. Where scientific evidence is insufficient or unavailable and there are serious threats involved, a precautionary approach may be appropriate. The Government is aware of the definitional and commercial uncertainty that can be associated with the term "precautionary approach" and notes the Committee's recommendation. Article 6 of the Convention (*Application of the precautionary approach*) recognizes this uncertainty and seeks to enunciate the procedures for application of the precautionary approach under the Convention (including by way of detailed reference to relevant sections of *United Nations Convention on the Law of the Sea of 10 December 1982* (UNCLOS) and the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks – UNFSA*). This aims to place some discipline and rigour on the use of a precautionary approach under the Agreement.

Recommendation 11

The Committee recommends that Australia support and encourage through the preparatory conferences the aim of ensuring that countries that are proposed as members of this body ratify the Fish Stocks Agreement.

The Department of Agriculture, Fisheries and Forestry, as the lead agency in the Preparatory Conference process for the *Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean* acknowledges the benefits that members of the Commission being parties to the United Nations Fish Stocks Agreement offers to the effective management of stocks in the region. Consequently, within Regional Fisheries Management Organisations, the Department will broadly promote the comprehensive regime for the conservation and management of straddling and highly migratory fish stocks afforded by the United Nations Fish Stocks Agreement.
