

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

Joint Standing Committee on Treaties

EIGHTH REPORT

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CONTENTS

COMMITTEE MEMBERS	v
EXTRACT FROM RESOLUTION OF APPOINTMENT	vii
RECOMMENDATION AND FINDINGS	ix
ACKNOWLEDGEMENTS	xi
CHAPTER 1 INTRODUCTION	1
Treaties tabled on 18 March 1997	1
Treaties tabled on 13 May 1997	1
UN Convention to Combat Desertification	2
CHAPTER 2 TREATIES TABLED ON 18 MARCH 1997	5
Agreement between the Government of Australia and the Government of the Republic of Chile on the Gainful Employment of Dependants of Diplomatic and Consular Personnel	5
Subsidiary Agreement between the Government of Australia and the Government of Japan Concerning Japanese Tuna Long-line Fishing	6
The 1997 Subsidiary Agreement	7
Future subsidiary agreements	11
CHAPTER 3 TREATIES TABLED ON 13 MAY 1997	13
Agreement between the Government of Australia and the Government of the Czech Republic on Trade and Economic Cooperation	13
Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning the Investigation, Restraint and Confiscation of the Proceeds and Instruments of Crime	15

Agreement between the Government of Australia and the Government of the Arab Republic of Egypt relating to Air Services	17
Agreement between the Government of Australia and the Government of the Republic of Lebanon relating to Air Services	17
Agreement between Australia and New Zealand concerning the establishment of the Governing Board, Technical Advisory Council and Accreditation Review Board of the Joint Accreditation System of Australia and New Zealand	18
Trademark Law Treaty	21
CHAPTER 4 PROGRESS REPORT: THE UN CONVENTION TO COMBAT DESERTIFICATION	25
Conduct of the inquiry	25
Overview	25
Evidence taken on 2 October 1996	26
Evidence taken on 22 April 1997	28
Evidence taken on 1 May 1997	29
Conclusions	30
APPENDIX 1 WITNESSES AT THE PUBLIC HEARINGS	33
APPENDIX 2 SUBMISSIONS	39
APPENDIX 3 EXHIBITS	41

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¹ Replaced Senator the Hon C Ellison (LP, WA) from 26 February 1997.

² Replaced Senator K Carr (ALP, VIC) from 4 December 1996.

³ Replaced Senator K Denman (ALP, TAS) from 12 December 1996.

EXTRACT FROM RESOLUTION OF APPOINTMENT

The Joint Standing Committee on Treaties was formed in the 38th Parliament on 30 May 1996. The Committee's Resolution of Appointment allows it to inquire into and report upon:

- (a) matters arising from treaties and related National Interest Analyses and proposed treaty actions 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.

RECOMMENDATION AND FINDINGS

Recommendation

Agreement between Australia and New Zealand Concerning the Establishment of the Governing Board, Technical Advisory Council and Accreditation Review Board of the Joint Accreditation System of Australia and New Zealand

The Joint Standing Committee on Treaties recommends that the new Governing Board of JAS-ANZ establish a formal mechanism to evaluate the success of its aim to facilitate export enhancement (Paragraph 3.45).

Findings

Agreement between the Government of Australia and the Government of the Republic of Chile on the Gainful Employment of Dependents of Diplomatic and Consular Personnel

The Committee notes the information provided and supports ratification (Paragraph 2.8).

Subsidiary Agreement between the Government of Australia and the Government of Japan Concerning Japanese Tuna Long-line Fishing

The Committee notes the information presented concerning the 1997 Subsidiary Agreement and supports signature of the Agreement. The Committee will, however, pay special attention to the 1998 Subsidiary Agreement to assess the extent to which the recommendations of its Third Report, *Two International Agreements on Tuna*, have been incorporated (Paragraph 2.36).

Agreement between the Government of Australia and the Government of the Czech Republic on Trade and Economic Cooperation

The Committee notes the information provided and supports ratification as proposed (Paragraph 3.10).

Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning the Investigation, Restraint and Confiscation of the Proceeds and Instruments of Crime

The Committee acknowledges the benefits of these agreements and supports implementation of the Agreement, as proposed (Paragraph 3.20).

Agreement between the Government of Australia and the Government of the Arab Republic of Egypt relating to Air Services

Agreement between the Government of Australia and the Government of the Republic of Lebanon relating to Air Services

The Committee notes the information provided and supports entry-into-force of the Agreements, as proposed (Paragraph 3.27).

Agreement between Australia and New Zealand concerning the establishment of the Governing Board, Technical Advisory Council and Accreditation Review Board of the Joint Accreditation System of Australia and New Zealand

The Committee notes the evidence presented and supports entry-into-force of the Agreement, as proposed (Paragraph 3.46).

Trademark Law Treaty

The Committee notes the evidence presented and supports accession to the Treaty, as proposed (Paragraph 3.62).

ACKNOWLEDGMENTS

We wish to thank all those who participated in the inquiries by appearing as witnesses or by providing written submissions. We are grateful for the interest shown and the cooperation and advice provided.

CHAPTER 1

INTRODUCTION

Treaties tabled on 18 March 1997

1.1 On 18 March 1997, the following treaties were tabled in both Houses of the Parliament:

- Agreement between the Government of Australia and the Government of the Republic of Chile on Gainful Employment of Dependants of Diplomatic and Consular Personnel, done at Canberra on 12 March 1997.
- Subsidiary Agreement between the Government Australia and the Government of Japan Concerning Japanese Tuna Long-line Fishing 1997.

1.2 On 25 March 1997, a public hearing was conducted in Canberra to consider these two treaties, taking evidence from officials of the sponsoring departments and agencies and other interested parties. The Committee then wrote to the Minister for Foreign Affairs indicating that it had no problem with the Government proceeding with both agreements, and that a report to the Parliament would be made in due course.

1.3 These treaties are dealt with in Chapter 2.

Treaties tabled on 13 May 1997

1.4 On 13 May 1997, the following treaties were tabled in both Houses of the Parliament:

- Agreement between the Government of Australia and the Government of the Czech Republic on Trade and Economic Cooperation, done at Canberra on 20 March 1997.
- Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland Concerning the Investigation, Restraint and Confiscation of the Proceeds of Crime, done at Canberra on 6 February 1997.

- Agreement between the Government of Australia and the Government of the Arab Republic of Egypt relating to Air Services, done at Cairo on 10 March 1997.
- Agreement between the Government of Australia and the Government of the Republic of Lebanon relating to Air Services, done at Beirut on 11 March 1997.
- Agreement between Australia and New Zealand concerning the establishment of the Governing Board, Technical Advisory Council and Accreditation Review Board of the Joint Accreditation System of Australia and New Zealand.

1.5 The following National Interest Analysis was tabled for a text which had already been tabled:

- Trademark Law Treaty, done at Geneva on 27 October 1994. The text of the Treaty was tabled in both Houses of Parliament on 18 October 1995.

1.6 On 26 May 1997, a public hearing was conducted in Canberra to consider these treaties, taking evidence from officials of the sponsoring departments, agencies and other interested parties.

1.7 These treaties are dealt with in Chapter 3.

UN Convention to Combat Desertification

1.8 Australia signed the *United Nations' Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification*, Particularly in Africa (the Convention) at a ceremony in Paris on 14 October 1994. It came into force for those countries which have ratified it on 26 December 1996, 90 days after the fiftieth ratification. To date, while 68 countries have acceded to this Convention, Australia has not yet ratified it.¹

¹ Submissions, pp. 107-108.

1.9 The text of the document was tabled in the Senate on 30 November 1994, and deemed to have been tabled in the House of Representatives on 5 December 1994.²

1.10 On 15 July 1996, the Committee agreed to undertake an inquiry into the Convention. A total of 28 submissions were received and three public hearings, and one inspection, were held during this inquiry.

1.11 The Government's consultative process, with the States and Territories in particular, is yet complete for this Convention. It is not, therefore, clear when a National Interest Analysis (NIA) will be available. In this situation, the Committee has concluded that it should table a progress report and resume the Inquiry more fully when and if an NIA is available.

1.12 The progress report on the Convention is at Chapter 4.

² Senate: *Journals*, No 128, 30 November 1994, p. 2597; *Hansard*, 30 November 1994, p. 3495. House of Representatives: *Votes and Proceedings*, No 111, 5 December 1994, p. 1632; *Hansard*, 5 December 1994, p.3942.

CHAPTER 2

TREATIES TABLED ON 18 MARCH 1997

Agreement between the Government of Australia and the Government of the Republic of Chile on the Gainful Employment of Dependants of Diplomatic and Consular Personnel

2.1 This Agreement allows the dependants of Australian diplomatic and consular personnel stationed in Chile, and of Chilean diplomatic and consular personnel stationed in Australia, to engage in paid work for the duration of the diplomatic or consular official's posting. It is a priority of the Department of Foreign Affairs and Trade to conclude as many bilateral employment arrangements as possible.¹

2.2 These agreements recognise the significant disincentive for officers with families to apply for postings in countries where spouses or dependants are not allowed to engage in paid work. The loss of a salary which usually occurs when proceeding on a posting is not compensated by family allowances. Because of financial commitments there is an increasing reluctance of spouses to accompany officers on overseas postings.

2.3 Bilateral employment arrangements of this kind are usually in the form of a memorandum of understanding (MOU) or instruments of less than treaty status. In this case Chile has indicated its strong preference for a treaty to be concluded. The Agreement follows the form of the text for MOUs. To date Australia has entered into 12 such arrangements and negotiations are underway with a further 16.

2.4 Article 1 of the Agreement authorises dependants to engage in gainful occupation in the receiving state. Authorisation does not imply any exemption from any of the requirements, such as qualifications, which would apply to the particular line of employment. The right to work is terminated when the principal diplomatic or consular officer completes the posting and leaves the country or at the end of a 'reasonable time thereafter'.

2.5 Article 3 requires the sending state to waive immunities enjoyed by the dependant in respect of civil and administrative matters arising out of employment. Immunity is also waived against the execution of any judgement

1 Transcript, 25 March 1997, p. 3.

against a dependant. Waiver of immunity from criminal jurisdiction in respect of employment-related activities of dependants is also required under article 4, except in specific instances when the sending state considers that such a waiver would be contrary to its interests.

2.6 We have signalled two matters with such agreements. First, it would be a concern if the privileges afforded by employment agreements were used by the dependants of diplomatic and consular personnel to secure favourable treatment and alter their status in order to reside in Australia beyond the term of the posting. Second, the question of immunity needs to be carefully monitored to ensure that the privilege is waived when appropriate.

2.7 Nevertheless, agreements such as these and the opportunity for spouses and dependants to be employed in Australian missions abroad are important if the Commonwealth is to have access to as wide a field of candidates as possible to serve in positions overseas and if officers are to have full opportunities to pursue their careers. We therefore, endorse the negotiation of further agreements to allow employment opportunities to spouses and dependants of Australian Government personnel.

2.8 The Committee notes the information provided and supports ratification.

Subsidiary Agreement between the Government of Australia and the Government of Japan Concerning Japanese Tuna Long-line Fishing

2.9 The Subsidiary Agreement permits Japanese long-line vessels to operate within the Australian Fishing Zone. Such access has been negotiated since the Head Agreement was signed in 1979. Access given to Japanese vessels is consistent with Australia's international rights under the *United Nations Convention on the Law of the Sea* and Australia's obligations under the *Convention for the Conservation of Southern Bluefin Tuna* (CCSBT).

2.10 The 1996 Agreement was the first Subsidiary Agreement to be tabled under the new arrangements for the parliamentary scrutiny of treaties introduced in the Australian Parliament in May 1996. We undertook an inquiry into the 1996 Agreement which involved a series of public hearings around Australia. It was the subject of our 3rd Report *Two International Agreements on Tuna* (the Tuna Report) which was tabled in November 1996 and made 21 recommendations on a range of issues raised in the inquiry.

2.11 The Tuna Report also covered the *Agreement for the Establishment of the Indian Ocean Tuna Commission* (IOTC). Since the tabling of the Tuna Report, Australia has played an active role in the early meetings of the IOTC. We encouraged the Government to use Australia's participation in this organisation, in addition to the CCSBT, to bring to the attention of other members of the IOTC the issues raised in the Tuna Report. We also saw the recognition of the CCSBT by the IOTC as an important element in placing effective regional controls on the tuna industry.

2.12 We are still awaiting a response from the Government on the recommendations in the Tuna Report.

2.13 Once again, timing problems have arisen in negotiating the 1997 Agreement in meeting the signature deadline before 4 June 1997, and it was not feasible to postpone the treaty's entry-into-force until the second half of June because the calculation of fees and catch levels are based on an already limited fishing season. This has led to the tabling of an unsigned agreement on this occasion so that the Parliament may have the opportunity to scrutinise the Agreement before signature.

2.14 In view of the problems encountered in the timing of negotiations and the signing of the 1997 Agreement, as well as the application of urgency provisions in the tabling of the 1996 Agreement, we strongly urge the Government to implement Recommendation 3 of the Tuna Report that:

the Subsidiary Agreement on long-line tuna fishing with Japan be for a timeframe of at least two years.

2.15 While it is not intended to raise in detail in this report all the issues encompassed by the recommendations made in its 3rd Report, we note that only Recommendation 8 (to increase the exclusion zone for the Bilateral and Joint Venture Japanese long-line fishing vessels around Tasmania) has been addressed in the text of the 1997 Agreement. A number of other important findings and recommendations have not been addressed. These matters were raised with the Department of Primary Industries and Energy (DPIE) and will be discussed below.

The 1997 Subsidiary Agreement

2.16 DPIE informed us that the negotiation for this Agreement commenced prior to the Department receiving our 3rd Report and, as a result, much of the

'significant' work in terms of negotiating positions and agreeing on agendas, etcetera, had been undertaken already.² This meant that, while some elements of our recommendations were able to be worked into the arrangements, many could not be finalised in the 1997 Agreement.³

2.17 The Department commented, however, that the issue of port access and recommendations for a two year cycle were all raised officially with the Japanese in the negotiations.⁴

2.18 The key change to the 1997 Agreement is to extend the exclusion zone around Tasmania to 17 nautical miles, a change which reflects in part, Recommendation 8 of the Tuna Report that:

the Commonwealth Government creates, as a matter of national consistency, an exclusion zone for the Bilateral and Joint Venture Japanese long-line fishing vessels around Tasmania of 50 nautical miles.

2.19 While the issue of Joint Ventures was not raised in evidence presented about the current Agreement, we consider that Recommendations 1 and 2 need to be raised with the Japanese and Australian industries in relation to their potential effect on the growth of the Australian industry, as well as on the by-catch issue. We note the view expressed by DPIE that there was a need to compromise on the extent of the exclusion zone around Tasmania bearing in mind that fishing off Tasmania is a significant part of the overall package.⁵

2.20 A number of other changes have also been made to the current Agreement, including:

- an increase in the number of fishing days from 2100 in 1996 to 2575 in 1997;
- only 15 fishing licences were permitted off the Western Australian coast;
- a decrease from 400 tonnes to 200 tonnes catch off Tasmania ; and
- the access fee has been reduced to \$3.4 million.

2 Transcript, 23 March 1997, p. 13.

3 Transcript, 25 March 1997, p. 14.

4 *ibid*, p. 15.

5 *ibid*, p. 17.

2.21 As in the 1996 Subsidiary Agreement, this National Interest Analysis (NIA) also indicates that Japanese vessels must comply with a range of agreed measures to remove or minimise other adverse ecological impacts flowing from fishing operations. These include non-targeting of billfish (other than broadbill swordfish), release of all blue and black marlin which are alive when the long-line is retrieved, and adherence to a voluntary Code of Conduct on shark catch or handling.

2.22 We note DPIE's comments which suggest the Japanese are being kept aware that the current arrangements concerning the taking of marlin may need to be reviewed. The Department assured us that last year the Japanese did not target marlin specifically.⁶ Bearing in mind the strength of the arguments raised in the Tuna Report concerning the marlin take, the perceived importance of game fishing and the lack of comprehensive catch data on the marlin and marlin stock levels, we again emphasise the need for the Government to reassess its approach to the take of marlin and to implement Recommendation 11:

the Commonwealth Government requires all Japanese vessels fishing in the Exclusive Economic Zone cut free all marlin (alive or dead) without removal from the ocean.

2.23 Recommendations 18 to 21 on the issue of seabird by-catch raised the need for urgent attention to be given to the use of mitigation measures, improved observer training, identification guides, and enhanced research initiatives to **eliminate** the take of albatross and other seabirds. The Department suggested that a couple of initiatives were undertaken with regard to by-catch. One action outside the treaty's process was the adoption of a position statement on ecologically related species at the CCSBT covering seabirds and other marine fauna and flora.

2.24 Another initiative was the scheduling of a meeting of the CCSBT later this year on ecologically related species to try to advance some of the matters raised on by-catch in the report.

2.25 The Australian Government acknowledged the fact that past approaches to fisheries management have not always recognised that while marine living resources are biologically varied, they are not plentiful and in many areas are in delicate balance. The Prime Minister, in his statement on the Government's Oceans Policy⁷, commented specifically on the problems of by-catch of albatross and announced a \$440,000 fisheries by-catch reduction strategy which

6 Transcript, 23 March 1997, p. 15.

7 House of Representatives Hansard, 3 March 1997, pp. 1698-1701

is aimed to minimise the volume of by-catch taken by fishers. We acknowledge and support this initiative.

2.26 Recommendation 18 and 19 of the Tuna Report viewed the **elimination** of the albatross by-catch as a key requirement bearing in mind the numbers of albatross lost to long-line fishing. The Tuna Report noted evidence given to it that:

none of the existing technologies can prevent seabird bykill and that a number of techniques may need to be applied simultaneously to reduce the level of by-catch.⁸

2.27 DPIE commented that the Japanese had been made aware that Australia will seek to reduce seabird by-catch further and that every Japanese skipper on every boat had been provided with a copy of the publication *Catch Fish Not Birds*.⁹ The Department also indicated that a new publication was being prepared.

2.28 Australia has proposed amendments to the *Convention on the Conservation of Migratory Species of Wild Animals* (the Bonn Convention) which have resulted in the inclusion of 11 additional species of albatross in the listings of the Convention. We will report in more detail on this matter later in 1997.

2.29 We view with concern DPIE's evidence that by-catch issues were not specifically raised in any new context in the negotiation of the current Agreement. Changes to technology are costly and that negotiating a position which will result in a major decrease in the take of seabirds, and particularly albatross, may be difficult and time consuming. Funds provided in the Government's Oceans Policy will assist the research effort. We encourage the Government to implement the recommendations made in the Tuna Report, and to work both bilaterally and multilaterally in all forums to **eliminate** the problem of by-catch connected with long-line fishing.

2.30 The Threat Abatement Plan in relation to albatross by-catch is currently being developed. In the Tuna Report, we supported this consultation process and recommended that research into the elimination of by-catch, in the context of the Threat Abatement Plan, should be expedited as a matter of priority.

8 Joint Standing Committee on Treaties, *Two International Treaties on Tuna - 3rd Report, November 1996*, p. 101.

9 Brothers N, *Catching Fish not Birds - A Guide to Improving your Long-Line Fishing Efficiency*, Parkes and Wildlife Service, Tasmania, 1996.

Future subsidiary agreements

2.31 The NIA states that during the recent round of negotiations the Australian position took into account the recommendations in the Tuna Report, although it in no way pre-empted the Government's response.¹⁰ This was supported by evidence indicating that Australia raised a number of additional issues during the negotiations over and above the elements that were already in the agreement.¹¹

2.32 While not specifying in detail the exact elements which would go forward to the negotiations on the 1998 Agreement, the Department suggested that:

Many of the elements that are part of your report have already been put into the agenda for the negotiations and we will have prior negotiations this year to try and advance some of those matters.¹²

2.33 Two other issues were addressed: firstly, the proposal to replace the current monitoring system with an improved satellite monitoring system to improve the collection of accurate catch data and fleet movement information; and secondly, that the changes to the observer training program raised in Recommendation 18 of the Tuna Report could further improve this process.

2.34 We reiterate the recommendations of our 3rd Report and await the Government response.

2.35 We have already written to the Minister for Foreign Affairs, indicating that we have no objection to the early signature of the Agreement in view of its uncontroversial nature.¹³

2.36 The Committee notes the information presented concerning the 1997 Subsidiary Agreement and supports signing of the Agreement. The

10 National Interest Analysis, p. 4.

11 Transcript, 23 March 1997, p.15.

12 *ibid*, p. 14.

13 Letter to the Minister of Foreign Affairs from Joint Standing Committee on Treaties, 25 March 1997.

Committee will, however, pay special attention to the 1998 Subsidiary Agreement to assess the extent to which the recommendations of its Third Report, *Two International Agreements on Tuna*, have been incorporated.

CHAPTER 3

TREATIES TABLED ON 13 MAY 1997

Agreement between the Government of Australia and the Government of the Czech Republic on Trade and Economic Cooperation

3.1 This Agreement demonstrates to the Czech Republic authorities that the Australian Government attaches importance to promoting further trade and investment in the Czech market. Two-way trade in 1996 totalled \$A92.4 million.¹ Wool remains Australia's major export item to the Czech Republic, while traditional imports have included glassware, textiles and specialised machinery.

3.2 The Czech Republic is becoming an increasingly important location for Australian investment. Companies with substantial investment in the Czech Republic are Coca Cola Amatil (production and distribution of softdrinks), Mincom (development, distribution and marketing of mining industry software), Brambles (rental of railway wagons to Czech companies) and Pioneer International (gravel and sand quarrying and the operation of ready-mix concrete plants).²

3.3 Austrade maintains a small specialist office in the Czech Republic. Austrade Europe's focus throughout 1995-96 continued to be on the five key sectors of information technology, wine, marine, education and automotive industries.³

3.4 The Agreement may facilitate access for a number of Australian companies looking to take advantage of the privatisation process in the Czech Republic.⁴ The rapid growth and transformation of the Czech economy, plus the access the Czech Republic has to the European Union, suggests that it will continue to provide significant investment opportunities, including for Australian companies. The Czech Republic wanted to negotiate a new treaty that not only reflected their move to a market economy, but one that was also consistent with the Most Favoured Nation (MFN) principle under GATT World

1 Transcript, 26 May 1997, p. 5.

2 *ibid*, p. 6.

3 Australian Trade Commission, *Annual Report 1995-96*, p. 68.

4 Transcript, 26 May 1997, p. 3.

Trade Organisation standards.⁵ Article 3 of the Agreement therefore requires that trade between the two countries is carried out in accordance with the MFN principle. A double taxation agreement is already in place with the Czech Republic.⁶

3.5 Australia and the Czech Republic are also required to take all appropriate measures, subject to their laws and regulations, to facilitate, strengthen and diversify trade investment and economic cooperation; to facilitate participation in trade fairs; to see that payments for transactions are effected in mutually acceptable currency; and to encourage trade missions and periodic government and business meetings.

3.6 Article 6 provides for both countries, subject to their laws and regulations, to exempt each other from payment of import duties and government charges in connection with goods imported for display at fairs and exhibitions, as well as samples of goods for advertising purposes. Such articles are not permitted to be disposed of within the country into which they are imported without prior approval and the payment of the appropriate duties and taxes.

3.7 There are no direct financial costs to Australia in entering into this Agreement.

3.8 The Agreement will be in force for an initial period of 5 years, after which either Party may terminate it by giving six months' written notice to the other Party. Evidence suggested that this timeframe was consistent with similar Agreements, indicating a willingness not to withdraw early from the Agreement, yet providing the Parties an incentive to re-negotiate the Agreement at the end of the fixed period.⁷

3.9 Upon entry-into-force, the Agreement will terminate the application to the Czech Republic of the Agreement on Trade Relations between Czechoslovakia and Australia of 16 May 1972.

3.10 The Committee notes the information provided and supports ratification as proposed.

5 Transcript, 26 May 1997, p. 2.

6 *ibid*, p. 7.

7 *ibid*, pp. 6-7.

Agreement between the Government of Australia and the Government of the United Kingdom of Great Britain and Northern Ireland concerning the Investigation, Restraint and Confiscation of the Proceeds and Instruments of Crime

3.11 Agreements concerning mutual assistance in criminal matters are a recent development in international efforts to combat serious crimes, such as drug trafficking and money laundering, which cross international boundaries. Such agreements enable Australia and its various partners to assist each other in the investigation and prosecution of serious crime.

3.12 This Agreement will enable Australia and the United Kingdom to assist each other in investigating, restraining and confiscating proceeds of criminal activities, rather than the general field of mutual assistance.⁸ It will benefit Commonwealth, State and Territory law enforcement agencies by enabling them to seek assistance in locating, restraining and forfeiting, in the United Kingdom's jurisdiction, the proceeds of criminal activities that have taken place in Australia.

3.13 This Agreement is intended to replace the *Australia-United Kingdom Treaty concerning the Investigation of Drug Trafficking and the Confiscation of the Proceeds of Drug Trafficking*, signed at Canberra on 3 August 1988.⁹

3.14 The range of assistance which may be provided under this Agreement includes, but is not limited to:

- providing information,
- taking evidence, and
- executing requests for search and seizure of material for the purpose of identifying proceeds or instruments of crime which may become liable to restraint or confiscation orders.

3.15 The obligation to provide assistance is qualified by certain exemptions, including that assistance may be refused if:

- granting assistance could seriously impair the sovereignty, security, national interest or other essential interest of the requested Party;

8 *ibid*, p. 12.

9 *ibid*, p. 13.

- the request relates to an offence in respect of which the person has been fully acquitted, pardoned, or made the subject of an amnesty; or
- the provision of assistance could prejudice an investigation or proceedings in the requested Party or prejudice the safety of any person or impose an excessive burden on the resources of that Party.

3.16 The requested Party must, to any extent requested, treat a request for assistance confidentially.

3.17 The Agreement establishes a Central Authority in each country to handle requests for assistance. The Central Authority for Australia is the Attorney-General's Department.

3.18 The Requested Party is required to bear any costs arising within its territory as a result of a request. Extraordinary costs may be subject to a special arrangement between the Parties.

3.19 In Australia, the formal requesting or granting of international assistance in criminal matters is governed by the *Mutual Assistance in Criminal Matters Act 1987* (the Act). This Agreement will be implemented by Regulations made by the Governor-General under the Act. The Regulations will schedule the text of the Agreement and will be tabled in Parliament. Such Regulations would be subject to disallowance.

3.20 The Committee acknowledges the benefits of these agreements and supports implementation of the Agreement, as proposed.

Agreement between the Government of Australia and the Government of the Arab Republic of Egypt relating to Air Services

Agreement between the Government of Australia and the Government of the Republic of Lebanon relating to Air Services

3.21 The substance of these Air Service Agreements with the Arab Republic of Egypt and the Republic of Lebanon approximate to the 'model' air services agreement.¹⁰ They will enter-into-force following an exchange of notes, which is expected to occur after the Agreements have been tabled in Parliament for 15 sitting days.

3.22 These Agreements provide for designated airlines of Egypt and Lebanon to operate direct passenger and freight services to and from Australia, and for designated Australian airlines to operate reciprocal services. They also contain provisions for Australian carriers to open offices, sell tickets and repatriate funds, subject to Egyptian and Lebanese law.

3.23 Both Agreements require the Parties to ensure that fares charged are established at reasonable levels and are submitted to aeronautical authorities for approval. In addition, each Party is required to recognise certificates of airworthiness, competency and licenses issued by the other Party. Notwithstanding this provision, either Party may revoke or limit authorisation of an airlines operation if the airline does not comply with laws and regulations normally applied by that Party.¹¹

3.24 These Agreements involved negotiations with the States and Territories and wide consultation, including with Australian airlines.¹²

3.25 There are no direct costs to the Australian Government in implementing these Agreements.

3.26 Under Article 20 of the Agreements, either Contracting Party can give the other written notice through diplomatic channels of a decision to terminate

10 *ibid*, p. 27.

11 *ibid*, pp. 27-28 and *Agreement between the Government of Australia and the Government of the Arab Republic of Egypt relating to Air Services* and *Agreement between the Government of Australia and the Government of the Republic of Lebanon relating to Air Services*, Article 5.

12 *ibid*, p. 24.

either Agreement. It will end one year after the date of receipt of the notice by the other Contracting Party.

3.27 The Committee notes the information provided and supports entry-into-force of the Agreements, as proposed.

Agreement between Australia and New Zealand concerning the establishment of the Governing Board, Technical Advisory Council and Accreditation Review Board of the Joint Accreditation System of Australia and New Zealand

3.28 The Joint Accreditation System of Australia and New Zealand (JAS-ANZ) was initially established under the Agreement between Australia and New Zealand concerning the establishment of the Council of the Joint Accreditation System of Australia and New Zealand, done at Canberra on 30 October 1991. The Committee of Inquiry into Australia's Standards and Conformance Infrastructure (the Kean Committee) made a number of recommendations in relation to JAS-ANZ. This Agreement reflects the Government's response to the Kean Committee's recommendations.¹³

3.29 The existing Agreement will cease to have effect from the date on which the new Agreement comes into force.

3.30 JAS-ANZ was established to meet the demand for an accreditation system for providers of quality management systems and product certification services. Such a system would recognise that participation in a joint accreditation system would enhance trade between Australia and New Zealand and promote wider export opportunities for producers of goods and services in both countries.¹⁴

3.31 Evidence presented, however, indicated that there is no formal review or re-evaluation process in place to establish whether or not the aim of export enhancement is being met by the activities of JAS-ANZ.¹⁵

3.32 Officially sanctioned accreditation systems such as JAS-ANZ and its overseas counterparts give confidence to markets, both domestic and international, that bodies accredited to provide certification and inspection

13 *ibid*, p. 31.

14 *ibid*, p. 31.

15 *ibid*, pp. 37-38.

services are competent to provide those services and hence that the reports and certificates of conformity they issue are reliable.

3.33 The ultimate objective behind the establishment of JAS-ANZ is the attainment of national and international recognition of Australian and New Zealand producers, products, auditors, consultants and trainers functioning within conformity assessment structures. JAS-ANZ has been achieving this objective by accrediting conformity assessment bodies in Australia and New Zealand to internationally recognised criteria.¹⁶

3.34 JAS-ANZ has developed valuable international links. It has been declared an International Organisation under the *International Organisations (Privileges and Immunities) Act 1963*.¹⁷

3.35 While noting that there was widespread support for the structure of accreditation being developed under JAS-ANZ, the Kean Committee raised issues in relation to JAS-ANZ's governance arrangements, particularly the potential for conflicts of interest with certification bodies being represented on its Council.¹⁸ The JAS-ANZ Council under the initial Agreement consisted of 21 members; 14 members appointed by Australia and 7 members appointed by New Zealand from industry, business and professional bodies, standards setting and certification bodies and government representatives.

3.36 The proposed Agreement will replace the current 21 member JAS-ANZ Council with a 10 member Governing Board, establish a Technical Advisory Council to support it, and establish an Accreditation Review Board responsible for day-to-day accreditation activities.¹⁹

3.37 The Agreement imposes no major obligations on the Australian Government. It includes provisions not found in the existing Agreement and ensures that JAS-ANZ, as an international organisation, remains fully accountable to both Governments.²⁰

16 *ibid*, p. 37.

17 *ibid*, p. 32.

18 *ibid*, p. 32.

19 *ibid*, p. 32.

20 *ibid*, pp. 32 - 33.

3.38 Articles 4 and 7 of the Agreement set out the reporting responsibilities of the Governing Board, including the Board's requirement to report about performance in relation to projects of 'national interest'.²¹

3.39 Formal associates of certification bodies, currently represented on the Council, will be excluded from membership of the new Governing Board to reduce the potential for conflict of interest. They may, however, be included in the membership of the Technical Advisory Council.²²

3.40 This Agreement will not include references to accreditation of laboratory accreditation procedures, as does the current Agreement. This decision is consistent with the Australian Government's decision to recognise the National Association of Testing Authorities (NATA) as the national authority for laboratory accreditation.²³

3.41 JAS-ANZ is a self-funding, not-for-profit organisation. The two Governments may ask JAS-ANZ to undertake activities which are considered to be in their national interests, for which funds might be sought on a case-by-case basis.

3.42 No legislation is required to give effect to Australia's obligations under this Agreement. Information regarding the Agreement has been provided to the States and Territories through the Commonwealth-State Standing Committee on Treaties' Schedule of Treaty Action.

3.43 Article 16 indicates that the Agreement may be terminated by either Party upon 180 days written notice to the other Party.

3.44 **The Committee's view.** While acknowledging the important benefits that JAS-ANZ provides to Australia and New Zealand, we are concerned that the system has no formal review mechanism in place to evaluate the success of its efforts in the area of export enhancement.

3.45 **The Joint Standing Committee on Treaties recommends that:**

The new Governing Board of JAS-ANZ establish a formal mechanism to evaluate the success of its aim to facilitate export enhancement.

21 *ibid*, p. 33.

22 *ibid*, p. 32.

23 *ibid*, p. 33.

3.46 The Committee notes the evidence presented and supports entry-into-force of the Agreement as proposed.

Trademark Law Treaty

3.47 The Trademark Law Treaty came into force generally on 1 August 1996. It is proposed that Australia deposit an instrument of accession with the Director-General of World Intellectual Property Organisation (WIPO) after the NIA has been tabled for 15 sitting days.

3.48 A trade mark can be a letter, number, word, phrase, sound, smell, shape, logo, picture, aspect of packaging or any combination of these. It is a sign which is used to distinguish the goods and services of one trader from another and therefore must not be a sign that other traders may wish to use to promote or describe their goods and services. Thus it is not easy to register a trade mark which describes goods (eg radios) and services (eg electrician) or one that is a geographic name or surname.²⁴

3.49 Although in some countries and in some situations a trade mark may be protected without registration, it is generally necessary for effective protection that a mark be registered in a government office. If a trade mark is registered, no person or enterprise other than the owner may use it for goods or services identical with or similar to those for which the trade mark is registered.²⁵

3.50 More than 8 million registrations of marks were in force at the end of 1995.²⁶

3.51 Initial registration of a trade mark lasts for 10 years. After that time registration can be renewed for successive periods of 10 years on payment of the appropriate fee.²⁷

3.52 The aim of the Trademark Law Treaty is to make national and regional trade mark registration systems more user friendly. The Treaty stemmed from the desire by members of the WIPO Convention to facilitate the registration process where a trade mark applicant was seeking a trade mark in a number of countries. This would be achieved through a simplified and harmonised

24 Australian Industrial Property Organisation (AIPO), *Intellectual Property: Don't give away your most valuable asset*, August 1996, p. 5.

25 World Intellectual Property Organisation (WIPO), *General Information*, Geneva, 1997, pp. 8-9.

26 *ibid*, p. 9.

27 AIPO, *op cit*, p. 5.

administration system, so that applicants seeking registration of a trade mark under the national laws of a country will have a system that is transparent.²⁸

3.53 The Treaty is open to States party to the WIPO Convention and, until 31 December 1999, to any other State that was party to the Paris Convention on 27 October 1994. Australia is a member State of WIPO.²⁹

3.54 The Treaty complements the standards for protection set in the Agreement on Trade Related Aspects of Intellectual Property (TRIPS) under the World Trade Organisation (WTO) to form the basis of a more universal system of trade marks protection on which to base the standardisation of administration. Australia is already a Party to the WTO.

3.55 As a result of the procedures introduced in the Treaty, Australian trade mark owners having filed applications with the Australian Trade Marks Office would not be required to take additional steps beyond the uniform procedures provided in the Treaty when filing in other members countries. This is intended to decrease the cost and increase the ease with which owners can protect their trade marks internationally.³⁰

3.56 Under the Treaty member States are obliged to reduce the administrative processes and associated paper work imposed on trade mark applicants and registered owners. Each State is obliged to accept applications made in accordance with Model International Forms which are set out in the regulations to the Treaty. The Treaty also provides, for each stage in the processing of an application, the maximum information or requirements that a State can request from an applicant. The Treaty also provides a list of standard rules covering administrative matters.

3.57 While 41 countries were signatories to the Treaty at the initial diplomatic conference in 1994 (including the United States, Germany, Switzerland, Austria and the Russian Federation), to date only nine countries have become Parties to the Treaty.³¹ WIPO has indicated that the Slovak Republic, the Republic of Guinea, Burkina Faso and the Netherlands have submitted instruments of accession or ratification. In each case the Treaty is yet to come into force.³² The Australian Industrial Property Organisation (AIPO) indicated that Denmark,

28 Transcript, 26 May 1997, p. 41 and WIPO, *op cit*, p. 27.

29 WIPO, *op cit*, p. 27.

30 Transcript, 26 May 1997, pp. 41-43.

31 *ibid*, p. 44. and AIPO, Submission No 2, p. 1. These countries include Japan, the United Kingdom, the Czech Republic, Monaco and the Ukraine.

32 AIPO, Submission No 2, pp. 3-4.

Sweden, France and Liechtenstein may also proceed with accession or ratification, while the United States House Sub-Committee on Courts and Intellectual Property has considered the issue.³³ Although there has been a low accession rate to date, this does not devalue the importance of the Treaty to simplifying the trade mark registration process and the need for Australia, following accession, to encourage trading partners to do the same.³⁴

3.58 There are no contributions payable by Parties to this Treaty nor any anticipated increases in Australia's contribution to WIPO as a result of this Treaty. Australia's current contribution to WIPO is \$A750 000.³⁵

3.59 Extensive public consultation was conducted on the development of new Australian trade marks legislation, which resulted in the *Trade Marks Act 1995*. Between 1989-1994, a working party reviewed the *Trade Marks Act 1955* and its operation.³⁶ Two reports were completed and circulated for public comment. Moreover, 35 seminars were conducted throughout Australia, while extensive written comment was received which culminated in 59 written submissions.

3.60 Information on the Treaty has been passed to the States and Territories through the Commonwealth-State Standing Committee on Treaties' Schedule of Treaty Action.

3.61 Any Contracting Party may withdraw from the Treaty by providing written advice to the Director General WIPO. Denunciation takes effect one year from the date notification is received. However, the Treaty may continue to apply to a registered trade mark or pending application after that time. This provision is included to provide commercial operators with a degree of certainty in relation to their registered trade mark, or proposed trade mark, in a country following that countries denunciation of the Treaty or changed political circumstances (such as in the former Yugoslavia).³⁷

33 *ibid*, pp. 2-4.

34 Transcript, 26 May 1997, p. 46.

35 *ibid*, p. 41.

36 *ibid*, p. 42.

37 *ibid*, pp. 49-50.

3.62 The Committee notes the evidence presented and supports accession to the Treaty, as proposed.

CHAPTER 4

PROGRESS REPORT: INQUIRY INTO THE UN CONVENTION TO COMBAT DESERTIFICATION

Conduct of the inquiry

4.1 On 15 July 1996, the Committee agreed to conduct an inquiry into the implications for Australia of the *United Nations' Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa* (the Convention).

4.2 This inquiry was advertised in selected national and specialist newspapers on 20 and 25 July 1996, seeking submissions by 30 August 1996. Letters were also sent to appropriate Commonwealth Ministers and State/Territory Premiers/Chief Ministers, non-government organisations (NGOs), academics and interested individuals seeking submissions.

4.3 As a result of this advertisement and a later letter, which sought additional submissions from academics with an interest in the subject of land degradation, 28 submissions have been received. These submissions are listed at Appendix 2. Additional material, received as Exhibits to the inquiry, is listed at Appendix 3.

4.4 Hearings were held in Canberra on 2 October 1996 and, in conjunction with inspections of local properties, at Boorowa, NSW, on 22 April 1997. The people who gave evidence at these hearings are listed at Appendix 1.

Overview

4.5 While few substantial submissions in favour of ratification were received from outside the ACT/NSW and Victoria, several others opposing ratification have also been received. The latter emphasised such aspects as the impact on Australian sovereignty which the authors believed would result from ratification of the Convention.¹

¹ See in particular Submissions Nos 25 to 27, pp. 343-347.

4.6 During the first of the hearings, the Convention's thrust was generally seen by departmental/agency and NGO witnesses to be on developing countries, focussing on addressing sustainable natural resource management and use. This included the more effective use of international aid programs. It was seen as going beyond addressing symptoms, but trying to deal with political and organisational issues by seeking to get affected developing countries to rectify problems from the community level up.²

4.7 The National Farmers' Federation (NFF) opposed ratification in some circumstances.³

4.8 During the second hearing/inspection, members were given some insight into the problems of land owners in an area of marginal land in one part of NSW, and into the operations of the Landcare organisation at a local level.

4.9 Consultation, particularly with the States/Territories, on the Convention is not complete and it is not clear when a National Impact Analysis (NIA) will be finalised. Only one State Government provided a submission to this inquiry.⁴

Evidence taken on 2 October 1996

4.10 The Commonwealth departments and agencies which gave evidence took the view that Australia had already, by the various strategies it has in place, met the commitments it would attract under the provisions of the Convention. The Government has already decided Australia will not 'pursue the development of a National Action Program' (NAP). Evidence was given that the Convention will not over-ride State/Territory land management powers, and it prevents Australia now from doing very little that it would be able to do if it were ratified.⁵ However, at this time the Committee has not reached any definitive conclusions on these matters.

4.11 Nations which become Parties to this Convention are obliged to give due priority and resources to developing strategies, programs and legislation to combat desertification according to their circumstances and capabilities, to

² Transcript, 2 October 1996, p. 45.

³ *ibid*, pp. 77-82.

⁴ See Submission No 16 from the NSW Government, pp. 173-178.

⁵ Transcript, 2 October 1996, pp. 19, 23, 24, 29, 41.

establish strategies to combat it within sustainable NAPs, and to promote awareness in local communities.⁶

4.12 Ratification would not mean additional obligations for Australia but, as the country in the Organisation for Economic Cooperation and Development (OECD) most affected by desertification, a decision not to ratify would have international significance. Without the clear national commitment which ratification represents, it was suggested that there would be little effective international collaboration with Australia on desertification. A witness from the Commonwealth Scientific and Industrial Research Organisation (CSIRO) suggested that although it would have 'a limited adverse impact', because of our involvement in negotiating it Australia would look 'pretty foolish in international forums' if it did not ratify this Convention.⁷

4.13 Ratification was seen as consistent with other international contributions and would put Australia among the community of nations, enhancing its credibility in dryland management. There would also be significant commercial opportunities in partnerships and exchanges, and through the sale of dryland technologies. It would allow formal participation in international activities associated with the Convention which would not occur otherwise. If we did not ratify, there would be activities from which we would be excluded so that, for example, Australia could not be on the panel of experts established by Article 22 of the Convention.⁸

4.14 It was pointed out that Australia and the OECD believed that the Convention was not simply a mechanism for the delivery of new and additional financial resources, but a way of mobilising existing funding. It will place a much greater obligation on developing countries to add financial resources to their efforts than was the case in earlier conventions, where there was an expectation that the donors should only give funds. Australia has already donated funds in connection with this Convention, for the preparation of NAPs and relating to the negotiation of the document.⁹

4.15 The Australian Council for Overseas Aid (ACFOA) believed that Australia was probably one of the few affected developed countries which has something to offer the global community. This was the Landcare model whose underlying principles it believed could be applied in other affected countries. It

⁶ Transcript, 2 October 1996, p. 59.

⁷ *ibid*, pp. 6, 3, 19, 33, 35.

⁸ *ibid*, pp. 35, 37, 65, 66.

⁹ *ibid*, 2 October 1996, pp. 68, 70, 75-76.

also believed that desertification was solvable, but to do so would require international cooperation. Without global commitment, there will be more of such things as famines, civil wars and droughts. It was ACFOA's view that to address these problems effectively involved ratification of this Convention.¹⁰

4.16 The NFF opposed ratification without adequate Parliamentary scrutiny and if it required preparation of an NAP. The organisation stressed that Australia has very well-developed natural resource management and drought policies to deal with its situation. It believed that the Convention may provide a platform for the export of expertise, but it also had concerns that ratification may provide a future Federal Government with a new head of power to influence land management. It did not support greater central control of this matter and, while recognising the difficulty of achieving it, was in favour of an amendment to the Constitution to proscribe the use of the external affairs power in connection with treaties.¹¹

4.17 The NFF was also in favour of a move by Australia for the inclusion of a 'federal clause' before ratification, although Article 37 states that there can be no reservations to this Convention.¹²

Evidence taken on 22 April 1997

4.18 Evidence taken at Boorowa concentrated on dryland salinity problems in the area, which contribute to the salt load in the Murray/Lachlan River systems, but also dealt with the success of the Landcare organisation in involving local farmers. Poor returns for farmers and the problem of employment/retention of young people on the land were also mentioned.¹³

4.19 While there has been an emphasis on education and community awareness, members of the Landcare organisation were aware of the real costs of implementing programs and problems caused by allocation of Landcare funding priorities top-down and via the State assessment level. This was particularly relevant because about two-thirds of Landcare funding comes from the owners' contributions, often in time or kind.¹⁴

¹⁰ *ibid*, pp. 45, 44, 53, 55.

¹¹ Submissions, p. 39; Transcript, 2 October 1996, p. 77, 78, 80-81, 82.

¹² Transcript, 2 October 1996, p. 83.

¹³ Transcript, 22 April 1997, pp. 91-92, 100-101, 97-98, 93-94.

¹⁴ *ibid*, pp. 93, 95-96, 102 109.

4.20 In the Boorowa area, there has also been an emphasis on detailed mapping and the collection of data to prepare a database on salinity and other problems in the area. Within about a year, it was likely decisions will be made on the basis of information on water and soil salinities, identification of affected areas and best treatment options.¹⁵

4.21 One landowner gave evidence of his success in using a rotational grazing system which reduced salt scalded areas and increased the amount of grass for grazing. He also suggested caution in ratifying the Convention, drawing attention to the consequences of locking land up in national parks.¹⁶

4.22 Other issues mentioned raised during the hearing at Boorowa included the more effective transmission of results of research to the working level, and the possibility of cost-sharing so that organisations downstream contribute to projects which may reduce the salt load entering river systems.¹⁷

Evidence taken on 1 May 1997

4.23 In his submission, Associate Professor Grant McTainsh of Griffith University preferred to use the term 'land degradation'. He drew attention to a book, *Desertification: Exploding the Myth*, by David Thomas and Nicholas Middleton, which contends that the UN has seriously mishandled the problem of desertification.¹⁸ Its authors claim a fundamental early program was the lack of a relevant and workable definition of desertification. He stated that, while the book raises many valid issues about how the problem has been 'misperceived, incorrectly measured and inefficiently administered', in his opinion it did not challenge the reality that desertification is an enormous problem which must be dealt with cooperatively at an international level. Past mismanagement of this problem, he asserted, should not be a reason for Australia not to ratify this Convention.¹⁹

4.24 In his evidence, Professor McTainsh disagreed that Australian scientists have been at the forefront on desertification and suggested that they have only had a 'relatively small impact'. In part, while we do not have a legacy from past

¹⁵ *ibid*, pp. 91-92, 96-97.

¹⁶ Submissions, pp. 338-339; Transcript, 22 April 1997, pp. 104-105, 105.

¹⁷ Transcript, 22 April 1997, pp. 92, 94.

¹⁸ Exhibit No 34.

¹⁹ Transcript, 1 May 1997, p. 116; Submissions, pp. 330-331, 333; Transcript, 1 May 1997, p. 121. See Exhibit No 34.

involvement, much of this was because we are not seen as part of the 'desertification club' internationally. While significant technological advances have been made in dealing with desertification, these were not as significant as the proliferation and quantification of the problem. In this context, he believed that international expenditure on this matter would have been more effective if it had been made more slowly. Finally, he believed that one of the advantages of ratifying the Convention was that, if a nation is not a member, it could not modify the system in which the document was operating. There were also the issues of marketing our expertise and the commercial possibilities which the Convention could provide for Australian firms.²⁰

Conclusions

4.25 While submissions generally included much valuable material, the quality of evidence given at hearings by departments was not generally high. Much of their evidence was tentative and perhaps skewed because of an unnecessary emphasis on the possible effects of the High Court's 1995 Teoh judgement on the Convention. This issue has since been clarified by advice from the Attorney-General, but some departments will need to be recalled if an NIA is tabled.²¹

4.26 Much of the evidence taken at Boorowa had little to do with the implications of the UN Convention for Australia, concentrating on problems in the area, but it did draw attention to the success of the Landcare model and to the need for education and community awareness. Whether such a model is relevant for and capable of being used in other countries is yet to be established.²²

4.27 Professor McTainsh's evidence raised a number of issues which would need further investigation if the inquiry proceeded.

4.28 The Government's decision not to proceed with an NAP has taken some heat from the question of ratifying this Convention. Issues of land management and Australian sovereignty, however, remain relevant for some organisations and individuals.

²⁰ Transcript, 1 May 1997, pp. 116, 115, 122, 117, 118, 117-118.

²¹ See Submission No 3A, pp. 312-328, for the Attorney-General's advice on the Teoh case as it might impact on this Convention.

²² See Transcript, 22 October 1996, pp. 45 and 80, for comments on the success of the Landcare scheme.

4.29 We understand that there is a need for considerable further consultation with State/Territory Governments and other interested organisations by the Commonwealth before an NIA can be finalised. Only then could a decision about ratification be taken. In this situation, we believe that there is little alternative for us than to keep the subject under review, and to reopen the inquiry when and if an NIA becomes available.

W L Taylor MP
Chairman

APPENDIX 1

WITNESSES AT PUBLIC HEARINGS

Inquiry into the UN Convention to Combat Desertification

Canberra, Wednesday, 2 October 1996

Department of the Environment, Sport and Territories

Mr A Campbell, Assistant Secretary, Sustainable Land and Water Use Branch

Mr M Trimmer, Director, Land Policy Unit

Department of Primary Industries and Energy

Mr C Holland, Strategic Planning Section

Mr D Menere, Acting Manager, Strategic Planning Section

Dr D White, Principal Research Scientist, Bureau of Resource Sciences

Mr C Willcocks, Acting Assistant Secretary, National Landcare Policy Branch

Commonwealth Scientific and Industrial Research Organisation

Dr G Pickup, Chief, Division of Water Resources

Australian Council for Overseas Aid

Ms J Hunt, Executive Director

Mr D Turbayne, Environmental and Development Adviser

Department of Foreign Affairs and Trade

Ms F Beddie, Director, Policy Development Section, AusAID

Ms N Gordon-Smith, Environment Strategy Section

Ms J Meehan, Environment Strategy Section

Ms C Sumner, Treaties Secretariat

Ms L Wagner, Director, Environment Strategies Section

Dr I Willett, Research Program Coordinator, Land and Water Resources

Australian Centre for International Agricultural Research

National Farmers' Federation

Dr W Craik, Executive Director

Boorowa, NSW, Tuesday, 22 April 1997

Mr R Clark, President, Boorowa Regional Catchment Committee

Mr I Curlewis, Secretary, Boorowa Regional Catchment Committee

Mr R Dunstan, Hon Secretary/Treasurer, Rye Park Landcare Group

Ms J Jenkins, Project Officer, Boorowa Regional Landcare

Mr D Marsh, Boorowa Regional Catchment Committee

Mr A Southwell, 'Glenfesk', Rye Park

Mr R Veness, President, Rye Park Landcare Group

Brisbane, Thursday, 1 May 1997

Associate Professor G. McTainsh, Griffith University

Treaties tabled 18 March 1997**Canberra, Tuesday, 25 March 1997****Department of Foreign Affairs and Trade**

Mr I Biggs, Executive Director, Treaties Secretariat

Mr A Goledzinowski, Co-President, Foreign Affairs and Trade Association,

Mrs T Hart, Protocol Officer, Protocol Branch

Mrs M Selleck, President, Family Liaison Office

Ms S Storey, Legal Officer, Administrative and Domestic Law Group

Mr H Wilson, Protocol Officer, Protocol Branch

Department of Primary Industries and Energy

Mr N Hermes, Acting Director, International Relations

Mr A Pigounis, Policy Officer, International Relations Branch

Environment Australia

Mr N Hughes, Assistant Director, Marine Strategy Section

Australian Fisheries Management Authority

Dr N Rayns, Senior Fisheries Manager, Tuna and Billfish

Treaties tabled 13 May 1997

Canberra, Monday, 26 May 1997

Department of Foreign Affairs and Trade

Mr I Biggs, Executive Director, Treaties Secretariat

Mr P Gregg, Director, Central Europe, Nordic and Western Mediterranean Section

Mr C Lamb, Legal Adviser

Mr M Scully, Desk Officer, International Trade Law Unit

Attorney-General's Department

Mr W Campbell, First Assistant Secretary, Office of International Law

Mr M Jennings, Principal Government Lawyer, International Branch, Criminal Law Division

Mr C Meaney, Assistant Secretary, International Branch, Criminal Law Division

Mr M Zanker, Senior Government Counsel, Office of International Law

Department of Transport and Regional Development

Mr A Parle, Acting Director, International Relations, Aviation Policy

Mr T Wheelens, Assistant Secretary, International Relations, Aviation Policy

Department of Industry, Science and Tourism

Mr D. Andison, Director, Standards and Conformance Policy Section

Ms M. Fanning, Assistant Secretary, Business Environment Branch, Industry Policy Division

Joint Accreditation System of Australia and New Zealand (JAS-ANZ)

Mr J Hulbert, Executive Director

Australian Industrial Property Organisation

Ms B Bennett, Deputy Registrar of Trade Marks, Trade Marks Office

Ms S Farquhar, Director, External Relations Section, Corporate Strategy
Business Unit

APPENDIX 2

LIST OF SUBMISSIONS

UN Convention to Combat Desertification

1. Municipal Association of Victoria
2. NSW Farmers' Association, Boree Creek Branch
3. Attorney-General's Department
- 3A.
4. The Arid Lands Coalition and the Australian Conservation Foundation
5. Pastoralists' and Graziers' Association of WA (Inc)
6. The Billabong Initiatives/Environmint™
7. Mr E J Nieman
8. Mr P A Brindal
9. National Farmers' Federation
10. AUSTCARE
11. Australian Council for Overseas Aid
12. Mr Julian Prior
13. Minerals Council of Australia
14. Department of Foreign Affairs and Trade (in conjunction with AusAID and ACIAR)
15. Australian Chamber of Manufactures
16. NSW Government
17. World Vision Australia

18. Department of Primary Industries and Energy
19. Department of the Environment, Sport and Territories
20. CSIRO
21. NSW Farmers' Association
22. Professor J J Pigram
23. Associate Professor Grant McTainsh
24. Southwell Family
25. Jo Carson
26. Mrs Beverley D J Lyons
27. Cooloola Ratepayers and Residents Association

Treaties tabled 13 May 1997

1. Dr Kunwar Raj Singh
2. Australian Industrial Property Organisation

APPENDIX 3

LIST OF EXHIBITS

UN Convention to Combat Desertification

1. United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa.
2. UN Convention - An Introduction.
3. UN Convention - An Explanatory Leaflet.
4. Fact Sheet 1 - An Introduction to the UN Convention.
5. Fact Sheet 2 - The causes of desertification.
6. Fact Sheet 3 - The consequences of desertification.
7. Fact Sheet 4 - Action programmes for combating desertification.
8. Fact Sheet 5 - Partnership arrangements between donors and affected states.
9. Fact Sheet 6 - Participatory development: A bottom-up approach to combating desertification.
10. Fact Sheet 7 - The role of science and technology.
11. Fact Sheet 8 - Financing action to combat desertification.
12. Fact Sheet 9 - Institutions and procedures of the Convention.
13. Fact Sheet 10 - Desertification, global change, and sustainable development.
14. 'Desertification and Drought', Australia's 1995 Response to the UN Commission on Sustainable Development (April 1995). Chapter 12 of Agenda 21 refers.
15. 'Desertification, Drought and Landcare: Australia's Role in an International Convention to Combat Desertification', by Martin Williams, Megan McCarthy and Geoff Pickup in *Australian Geographer*, 26, (1), pp. 23-32.

16. 'Australia and UNCED', Issues Briefs 5/1992, Science, Technology and Environment Group, Parliamentary Library, 28 May 1992.
17. 'Background on UN Desertification Convention", Parliamentary Research Service, Parliamentary Library, 7 August 1996.
18. 'Clearing Trees on Farms in Australia', Research Note No 58, 25 June 1996, Parliamentary Research Service, Parliamentary Library.
19. Material supplied by The Billabong Initiatives/EnvironmentTM.
20. Coalition Inquiry on Desertification, Transcript of 26 October 1994 hearing.
21. Background material, Valdivia Group.
22. 'National Landcare Advisory Committee: Report on Operations, 1 July 1995 to 30 June 1996'.
23. 'National Strategy for Ecologically Sustainable Development', December 1992 (Attachment B to Submission No 19).
24. 'The National Strategy for the Conservation of Australia's Biological Diversity', 1996 (Attachment C to Submission No 19).
25. 'Draft National Strategy for Rangeland Management', 1996 (Attachment D to Submission No 19).
26. 'Australia: State of the Environment', 1996 (Attachment F to Submission No 19).
27. 'Australian Initiatives to Combat Desertification', 1994 (Attachment G to Submission No 19).
28. 'Desertification in Australia: An Eye to Grass Roots and Landscapes', by John A Ludwig and David J Tongway in *Environmental Monitoring and Assessment*, 37, 1995, pp. 231-237.
29. Reports from several Australian Lutheran World Service Projects which address desertification.

30. Report from the 93rd Plenary Meeting of the UN General Assembly, dated 22 December 1992: Establishment of an Inter-Governmental Negotiating Committee for the Elaboration of an International Convention to Combat Desertification.
31. 'A New Approach to an Old Problem: the Convention to Combat Desertification', by Tannetje L Bryant.
32. Sixth Annual Report 1995, Landcare Australia Limited.
33. 'Is Landcare Working?', by Jon East and Melissa Wood in *Search*, Vol 27, No 9, October 1996, pp. 273-276.
34. 'Desertification: Exploding the Myth', by David S G Thomas and Nicholas J Middleton (John Wiley and Sons, Chichester, 1994).
35. 'Economic Evaluation of Tree Planting and Perennial Pastures, Boorowa River Catchment Area', by Christine M Hill, Department of Land and Water Conservation (NSW).
36. 'Implementation of the Boorowa River Salinity Catchment Plan', compiled by Gillian Hayman on behalf of the Boorowa Community Landcare Group Inc, June 1996.
37. 'Working for a healthy land', Boorowa & Rye Park Landcare Groups.
38. 'Detecting Dryland Salinity on the Southern Tablelands of New South Wales', Department of Conservation and Land Management.
39. 'Planning eases drought feeding problems', by Bill Murray in *Farming Ahead*, No 38, February 1995, pp. 50-51.
40. 'Making sense of pasture grazing systems', by Nicole Baxter in *Farming Ahead*, No 52, April 1996, pp. 56-57.
41. 'Acidity eats away at farm profits', by Carolyn Avery in *Farming Ahead*, No 51, March 1996, pp. 30-31.
42. 'Brookleigh': Ron and Lorraine Veness, Rye Park, NSW.
43. 'Study erodes dogma on river management', by Damon Shorter in *ANU Reporter*, Vol 28, No 4, 30 April 1997, p. 4.

Treaties tabled 13 May 1997

1. Department of Foreign Affairs and Trade, *Country Economic Brief - The Czech Republic*, March 1997.
2. Australian Industrial Property Organisation, *The Trade Marks Information Pack*.
3. World Intellectual Property Organisation, General Information, Geneva, 1997.