

Regulation Impact Statement

35. The Office of Regulation Review, Productivity Commission has been consulted and confirms that a Regulation Impact Statement is not required.

Future Treaty Action

36. Any member of the Commission may propose amendments to the Convention. Proposals are to be made in writing at least 60 days before the meeting at which they will be considered (Article 40(1)). Amendments will be considered at annual meetings unless a majority of the members request a special meeting (Article 40(2)). Amendments enter into force only for the parties ratifying them, on the thirtieth day after a majority of the parties deposit their instruments of ratification. Amendments do not enter into force generally. States that ratify the amendments after the majority has been reached will be obligated thirty days after their instrument of ratification is deposited (Article 40(3)). Any amendments to the Convention will be subject to the domestic treaty process.

37. Annexes to the Convention may be revised from time to time and this may be proposed by any member of the Commission. If a revision is adopted by consensus at a meeting of the Commission it will be incorporated into the Convention and shall take effect from the date of its adoption or a specified date (Article 41).

38. There are currently four annexes to the Convention. Annex I allows fishing entities who fish for highly migratory fish stocks in the Convention area to agree to be bound by the regime and to participate in decision making (a mechanism that provides for the participation of Chinese Taipei). Annex II covers the composition and procedures of the review panel, which considers decisions of the Commission. Annex III considers the terms and conditions for fishing that apply to the operators of authorised fishing vessels within the Convention area. For instance, operators must comply with applicable national laws of coastal States. They must allow observers and authorised enforcement officials of the Commission to fulfil their duties on board their vessels. They must report in accordance with UNFSA requirements and comply with any Commission procedures to verify the quantity and type of species transhipped in the Convention area. Annex IV refers to the requirements of a flag State to maintain records of fishing vessels entitled to fly its flag and authorised to fish outside areas of national jurisdiction.

39. Taking into account the subject matter of the annexes, any revision is unlikely to significantly affect Australia's obligations or to require implementing legislation. Also, recognising the automatic entry into force of amendments to the annexes and that they are legally binding on parties to the Treaty, AFFA will notify the Joint Standing Committee on Treaties (JSCOT) as soon as practicable after a meeting where an amendment to an annex was adopted. If Australia is proposing an amendment to an annex, AFFA will notify JSCOT of this proposal prior to the meeting of the Commission where the proposal will be considered.

40. No reservations or exceptions may be made to the Convention (Article 37). A declaration or statement may be made when ratifying the Convention, regarding the

harmonisation of national laws with the Convention terms, but this must not purport to exclude or modify the legal effect of the Convention (Article 38).

Withdrawal or Denunciation

41. Members may withdraw from the Convention by written notice to the depositary, the Government of New Zealand. The withdrawal will be effective one year after the receipt of this notification unless the member specifies a later date (Article 42(1)). Financial obligations are not mitigated until the withdrawal is effective (Article 42(2)). In Australia, this is also subject to the domestic treaty process.

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